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OF THE
TWENTY-EIGHTH ANNUAL MEETING
OF THE
MISSISSIPPI STATE BAR

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OF THE

MISSISSIPPI STATE BAR

HELD AT

VICKSBURG, MISSISSIPPI, SEPTEMBER 7-8, 1933.

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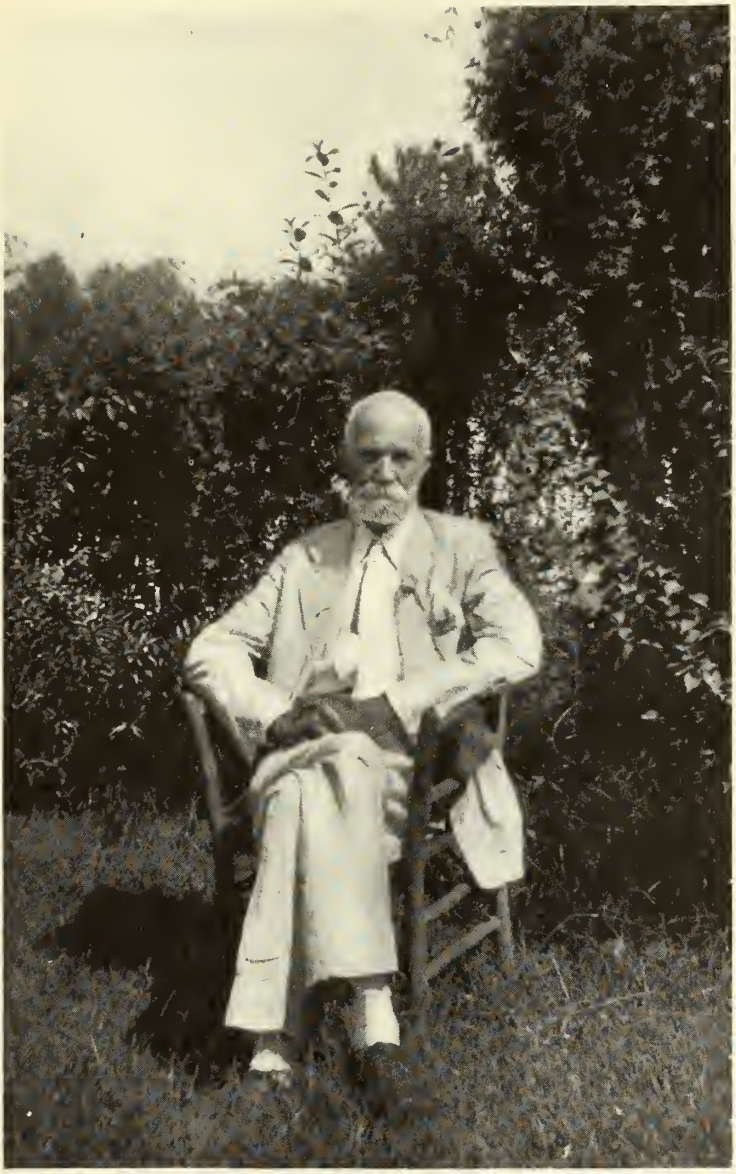

JUDGE JEFF TRULY
Retiring President Mississippi State Bar

MISSISSIPPI LAW JOURNAL

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VOL. VI OCTOBER, 1933 No. 1

HOPES OF THE NEW ADMINISTRATION

1. To hold fast to what has been accomplished by our predecessors.

2. To organize local bar associations in every county where the number of lawyers will justify, and where lawyers are too few in any county for a separate association, unite with adjoining counties. This will organize the entire state as a beehive working as if a cold winter were ahead, with no drones.

3. That we may not destroy the principles established by the wisdom of the ages, yet we should, with caution, deliberation and courage move forward to meet new conditions without sacrificing the vested rights of life, liberty and the pursuit of happiness of any citizen.

4. That we may reduce the cost of litigation and make the burden less to lawyers and litigants, as we are the ministers of justice inseparably connected with the public interest and can do no less.

5. That we may arrange for the annotations of the Restatement of the Law by the A. L. I., on Torts, Agency and Conflict of Laws.

6. That every lawyer may be induced to stand by the association he lives by and all build together from within.

7. That the happy co-operation of the State Bar, Commission and courts may continue unmolested.

8. That the grounds for complaints against our members may grow less daily.

9. Other and different hopes too numerous to state.

Fraternally,

J. H. Price, *President, Mississippi State Bar.*

PROCEEDINGS

OF

MISSISSIPPI STATE BAR

HELD AT

VICKSBURG, MISSISSIPPI

September 7th and 8th

1933

PROCEEDINGS OF THE TWENTY-EIGHTH ANNUAL MEETING OF THE

MISSISSIPPI STATE BAR

HELD IN THE CITY OF VICKSBURG, MISSISSIPPI, ON THE 7TH AND 8TH DAYS OF SEPTEMBER, 1933

THE PRESIDENT: The Mississippi State Bar will be in order at its regular annual convention. You will please rise while an invocation is delivered by Rev. W. H. Morgan, Pastor of the First Baptist Church of this City.

REVEREND W. H. MORGAN: Oh Thou, our God and Father, we acknowledge Thy supremacy in power and right and purpose, and we desire to invoke of Thee Thy direction in the counsels of these servants of the State as they begin and continue the sessions and various interests of this association.

From Thy wisdom has come in principle and form and precedent the structure on which is built the profession of these servants of the public and officers of our courts. Grant unto them, we pray Thee, the great blessing of Thy grace and wisdom in all their affairs.

Those who constitute this body hold in their hands, as perhaps no other single group of our citizenship, the welfare of our present day widely complex and confused civic and economic interests. God grant unto them wisdom for a time like this, and to meet the need of leadership these unusual conditions require.

We pray for them a pleasant and profitable sojourn in our midst and a safe return to their homes and work when they have gone from us. And we pray in the name of the Father and the Son and the Holy Spirit. Amen.

THE PRESIDENT: The welcome address on behalf of the City of Vicksburg, by Hon. J. C. Hamilton, Mayor.

MAYOR HAMILTON: Mr. President, Distinguished Guests, Ladies and Members of the Mississippi State Bar: There is something in your name which makes us thrill with pleasure. We have joyously anticipated your coming, and now that you are here it is my great privilege to extend to you a sincere and cordial welcome on behalf of the City of Vicksburg.

We are happy, indeed, to have as our guests members of a great profession, a profession whose history scintilates with records of patriotic service, and upon whose scroll of membership may be found the great statesmen of today and yesterday.

In the final analysis, my friends, the two great defenders of American rights and of American privileges are the members of the American Bar and the soldiers of the American Army. We are proud to welcome you as valiant defenders of our Constitution, as men who have ever sought to preserve for us the precious privileges of that sacred document.

We are especially happy that you have brought with you such a lovely bunch of American Beauties. It is needless to say we receive them with open arms, and we shall do everything possible for their comfort and pleasure.

We hope that you will enjoy every moment of your stay; that you will be pleased with the hospitality of our men, the grace and beauty of our ladies, with our magnificent sunsets, our beautiful lakes and majestic rivers, our picturesque and historic hills, our clubs, and our island, where there is no Eighteenth Amendment.

During this convention you shall not be harrassed with petty regulations. The keys to the city of Vicksburg have been delivered to your local association, and you will always find them hanging up in Room 321. Enjoy yourselves. Go the limit, and if you get in jail and all these lawyers, senators, governors and Congressmen can not get you out, send for me, and I'll get in with you. (Laughter and applause).

THE PRESIDENT: Welcome address on behalf of the Vicksburg bar, R. M. Kelly, president of the Warren County Bar Association. Mr. Kelly.

HON. R. M. KELLY: Mr. President, members of the Bar Association, ladies and gentlemen: It has been said that words possess all qualities and attributes; that there are words that gleam like jewels; words that glow with the dusky fulguration of old gold and glimmer with the pale light of frosted silver; words that shout like peans and sob like seas. If this be true, I would that I could summon words that drip with perfume, that melt with music and laugh with love in order that I might express to you the warmth of the welcome that the bar of Vicksburg extends to you this morning.

I wish that I could summon other words as joyous as the song of birds in order that I could tell you how much we appreciate the fact that you are meeting in Vicksburg this morning. You know the history of Vicksburg. Its story is blended with the honor and the glory of the heroes of the most tragic events in history. And Vicksburg knows the history of the work of the members of this bar. The members of this bar have ever assisted and helped in every way possible the advancement of the State of Mississippi. The members of this bar forged a constitution and a law that has ever acted as a guide and anchor for the franchise of the people of Mississippi, a constitution too sacred to be touched, much less soiled by the hands of him who would unnecessarily amend or mar the frame of that constitution.

The members of the Vicksburg bar and the members of the bar of this state ascend to the halls of congress and to the cabinets of presidents, men who have written their genius upon the laws and the history of the country. They have helped to make the history of the world, and in all things that go to make up the nation's glory, the bar of Mississippi need not be ashamed. Mississippi has in the upper house

of congress today the undoubted leader of national thought and national action in the person of our own Senator Pat Harrison. (Great applause).

The bench of Mississippi has ever been and is today graced by jurists of dignity, ability and honor. The pledged word of the lawyer of Mississippi may be taken today with more confidence and more accuracy than the pledged word of the much vaunted man of big business who ofttimes is most unjust in his criticism of the members of the bar.

Now, such men are the men that we are proud to welcome to Vicksburg today. The bar has given to us, too, Senator Stephens. (Great applause). It has given us a Jeff Truly. (Applause). A Judge Price. (Applause). A Judge Deavours. (Applause). A Conner. (Applause), a Calvin Wells, and a score of others whose names may be proudly placed beside the names of that great galaxy of attorneys who now live only in our receding memories.

Now, such is the nature of the men whom we are so proud to welcome today.

Now, what of the ladies? When God made the Southern woman, He summoned his angel messengers and He commanded them to go through all the star-strewn vicissitudes of space and gather all there was of beauty, of brightness and sweetness, of enchantment and glamour, and when they returned and laid the golden harvest at His feet, He began in their wondering presence the work of fashioning the Southern girl. He wrought with the gold and gleam of the stars, with the changing colors of the rainbow's hues and the pallid silver of the moon. He wrought with the crimson that swooned in the rose's ruby heart, and the snow that gleams on the lily's petal, then glancing down deep into His own bosom He took of the love that gleamed there like pearls beneath the sun-kissed waves of a summer sea, and thrilling this love into the form He had fashioned, all heaven veiled its face, for, Lo, He had wrought the Southern girl. (Applause).

The program we have provided we hope you will like. There may be, and I expect some objections to be filed, but remember that we had to conform to the rules of the N. R. A. (Laughter). They prescribed that our assets must be liquid. (Laughter). They prescribed certain rules and certain hours during which we could keep open house. (Laughter). If the hours do not suit, Chairman Minor is here; Mayor Hamilton is here, and we will take it up with them and see if they can not liberalize to some extent for your benefit and your enjoyment the rules as at present prescribed by our program.

Now, we sincerely hope you will enjoy your visit here. We hope that you will forget your worries and your disappointments. We hope you will forget all of the grievances you may hold against your imagined curiam czars and victorious adversaries. We hope that you will forget all of your trials and tribulations and that you will join with us, join in the "spirits" of our entertainment, and if you do;

"Your night shall be filled with music
And the cares which infest the day,
Will fold their tents like the Arabs,
And silently steal away." I thank you. (Applause).

THE PRESIDENT: Response, on behalf of the State Bar, by Honorable M. W. Reiley, of Meridian.

HON. M. W. REILEY: Mr. President, gentlemen of the Mississippi Bar, and ladies: On behalf of the Mississippi Bar Association I wish to accept the very cordial invitation which has been extended us.

I note the preparations which have been made for our entertainment, but I assure the gentleman that the preparations were unnecessary. If there is any man in Mississippi who realizes that it is not necessary that preparations be made for his entertainment when he visits Vicksburg, he is the lawyer because the lawyers who have visited here in the past have come in contact with Bob Kelly and the Mayor and other men of their kind. (Applause).

My friends, I am particularly rejoiced to come to Vicksburg. There is something magic in the name to me. It fires the fancy and spurs the heart to noble resolution. To gaze upon this old river that creeps like some tired reptile about the feet of these giant hills always inspired me. I spent my youth on the banks of the Mississippi. Many times have I rode its waves. To me its voice is low and sweet, sweet as the dreaming voice of a woman at daybreak. There is something wonderfully sweet about it to me. I spent my youth on it, and dreams come in youth. All the dreams of my life that were worth while were born within the sound of that laughing river as it goes on to the sea, carrying the snow caps of frozen climes and the lucid waters of tropical regions laughing like children and murmuring like lovers as it goes on to the sea. All that is tender about me in the way of dreams and hopes and ambitions is connected with that river, and you can not rob youth of its dreams and hopes and ambitions. Somebody has said you can not "staunch the song which oozes from without the mocking bird's breaking heart." I go further and say that you can not take from manhood its memories, and I thank God for that fact.

I am delighted to come back to Vicksburg, and on behalf of the bar I thank the gentlemen for the very warm welcome. Something has been said of the history of Vicksburg. Vicksburg has always been a historic spot to me. When I recall the noble part played in that occurrence here that we find upon the pages of history, "my heart runs o'er in silent worship of the great of old, the dead but sceptered sovereigns who rule our spirits, even from their urns."

But, my friends, not only are we here to enjoy the city and enjoy being with each other, but we are here for work. There is work to be done. I would be untrue to my feelings, Mr. President, if I did not refer to the feeling, the thing that is in my own heart. There is an idea among some laymen that for money the attorney can be employed to practice in chicanery or in artifice. I resent that imputation and that idea. It is a grave injustice to the average lawyer of Mississippi. I resent it, and I am hoping that at this meeting steps will be taken that will always be referred to as the first positive and aggressive action taken by the bar to dissipate that idea in the minds of the people. But, my friends, what are we doing about it? Just as long as lawyers file declarations for plaintiffs, just as long as lawyers file pleas and motions for defendants which are not sustained by justice, truth and

right, just so long shall we stand branded in the court of public opinion. (Applause).

What we need in the Mississippi Bar and every other bar in this country is for the lawyer to realize the high station which he occupies and the sacredness of his calling. The lawyer is a minister of the law. When the time comes when he can say to the client, however guilty, "Your duty lies here, my services are at your command to protect your rights, but they are not at your service to defeat truth and justice in the courts of this country," when that day comes, the finger of suspicion that rests upon the lawyer will have disappeared.

Oh, may we find the courage of Daniel when he said, "I will not be defiled," or words to that effect. Lawyers need courage to realize the sacredness of their calling and the opportunity for noble service, and I am hoping that at this bar, at this meeting, it may be brought home to the members of the bar.

My friends, the practice of law is the noblest profession followed by man. It is man's poor effort to rectify the inhumanity of man to man. No stronger proof of the parenthood of God can be found than in the constant, never-ending efforts of man to enact and enforce laws for the guidance and control of erring man.

There is a river in the ocean. The mightiest floods do not cause it to overflow, and the severest drouths do not affect the volume of its flow. The Gulf of Mexico is its fountain, and its mouth is somewhere in the Arctic Sea. It is the Gulf Stream. There is in this world no other such majestic flow of waters. Its waters, as far out from the gulf as the Carolina coast, can be seen, and they are of an indigo blue; so reluctant are they to mingle with the waters of the ocean, they are so distinctly marked that their line of junction with the common waters of the sea can be traced by the human eye. It is one of the most curious and remarkable physical phenomena of the world. It is the most majestic wonder this world has ever seen.

That peculiar phenomenon in the physical world has its counterpart in the moral and it is found in the heart of man. There is deep in the heart of man a river that ever runs and never dries and never ends. It is the desire to do things which will curb evil and injustice within man and force man to recognize the rights of other men. It is born somewhere back in the gray dawn of time. It will be with man forever, and the function of the lawyer is to aid in the enforcement of that sense of duty so that men may live as brothers, and, therefore, I say our calling is the noblest calling of all callings.

I am very glad to be here in Vicksburg on this occasion. My friends, whenever we rise to a full sense of our duty as lawyers and realize where our duty lies, then will it be said that the American court house is the temple of honor; then will it be said that justice rules there, and that justice has returned from the skies, from a long sojourn in the skies, and reared her front in the American court house and the honor and respect that is due the lawyer shall be accorded him. Let us resolve to rise to the performance of those duties in the spirit they deserve. I thank you, gentlemen. (Great applause).

THE PRESIDENT: By some unfortunate incident for me and for

the Bar Association, the speaker of the occasion, Judge Martin, President of the American Bar Association, is unable to attend. By some very fortunate incident for the Bar Association, we are going to have the privilege, however, of listening to that idolized statesman of Mississippi, Senator Harrison, who will follow what my few desultory remarks may be. I say that so that your impatience may expedite my speech, and I will not bore you unduly.

I wish first to make one or two announcements which I think as President of this Bar Association, deserve your attention. Among the most outstanding, praiseworthy and beneficial things that has transpired during the last year for which the Bar Association can accept any part of the credit is the work conducted almost alone and largely by his own physical effort by Chief Justice Sydney Smith in reference to the American Law Institute's Re-Statement of the Basic Law; for this is a benefit, a lasting benefit and an enduring benefit to the Bar Association not only of the State of Mississippi but to the lawyers throughout the nation. We are under undying obligations to Chief Justice Smith, and he is here requested, or, if I have the authority, directed to make a more extended statement of his efforts and intentions in this regard.

The next announcement I wish to make is that in view of the absence of the President of the American Bar Association, Honorable A. T. Stovall is hereby designated, nominated, appointed and elected to appear before this convention on some occasion which the Program Committee will arrange, to give at least a bird's-eye view of what transpired at that great convention.

Coming now to myself, I trembled to know that I was required to deliver an address, and I am divided between chagrin, exaltation and gratification that the Program Committee very wisely restricted this address to thirty minutes. I want to tell you, however, not to have any false hopes built on that. I will not finish—I may be required to stop, but I will not finish within thirty minutes or any time approaching that.

Prefatory to the remarks which I will make, I would regard it as remiss, both as a citizen and a lawyer, did I not on my part take a few minutes within which to pay an inadequate tribute to the lawyers of the bar of Vicksburg, not only the lawyers of the present bar, nor even particularly of them, because I have adopted the rule to never flatter anybody until the time comes when it is no longer of any value. I put my flowers on the grave, and not bouquets to the living. Vicksburg is, of all other towns, I state without fear of any successful contradiction, Vicksburg of all other towns has the right to claim priority at the beginning of the foundation of our state for the work which the members of this bar performed in the laying down and defining the rules which should regulate the then incipient state. There was never a bar anywhere, so far as I know, which was comparable to the bar of Vicksburg a century ago when the jurisprudence of Mississippi was in its infancy. There were Sharkey, Guion, Smedes, Marshall, and Harrison, Holt, McNutt, and Foote. You can look over the list of lawyers throughout the state and throughout the south and in that

number of names you can not anywhere else pick out as many who are now remembered for the great work that they did. They molded the jurisprudence of the state. They fixed the limits of right and wrong, and just a century and a year ago there came another head who electrified not only the legal fraternity and who placed not only as a lawyer, but whose fame spread wherever the English language was repeated or wherever oratory was regarded. Sargeant S. Prentiss came to Vicksburg and located here just 101 years ago. That was the class of lawyers they had then. Not only is that true of the lawyers of that day, but in my own memory, which goes back to the days of the Catchings, goes back to the days of Simrall, goes back to that great firm of three, adventurers in the law, gentlemen in every walk of life, Miller, Smith & Hirsh. (Applause). Anyone who had the privilege of knowing those three, T. Marshall Miller, a Southern gentleman, without fear and without reproach, Murray F. Smith, a man who studied the law, and by whose indominatable energy and unflinching courage made his own way, and Joseph Hirsh, a lawyer by instinct, honest, upright, industrious and acute.

More than that, Vicksburg has produced men who have gone high in the profession in every era. Who does not remember the work of Thomas Catchings; and who remembers him, does not deplore the untimely death even before he had reached the zenith of his power, of one of the brightest young lawyers who has come upon the view of Mississippi during my memory of half a century, Oliver W. Catchings. These are the kind of lawyers. They have come down to now. Not only was it true of them, but as Mr. Kelly has referred to here, Vicksburg did more than its part, if such a thing can be said, Vicksburg did more than its part in molding and carrying into effect the constitution which we now live under, in 1890. It is perhaps not generally known that Warren County at that time had two members from the state at large, and three from Warren County itself, every inch of them men. Marye Dabney, L. W. Magruder, Murray F. Smith, H. F. Simrall, and J. S. McNeilly, four of them lawyers, and McNeilly a warrior worthy of any man's steel, devoted to his cause, loyal to his state, ready to lay down his life or to use his pen in defense of those things which he approved, not a bit chary in saying what he thought about people he did not agree with. I was one of them. (Laughter). So I say, my fellow citizens, that it is worth my while that I should declare my just appreciation of the lawyers of Vicksburg, because I can safely say that with one exception there has never been a lawyer in the City of Vicksburg for fifty years that was not a personal friend of mine and upon whom I could call, and so far as I know there is no such living here now. (Applause).

I am called upon, I see, by wise limitations, to deliver an address which shall not consume more than thirty minutes. The plea of the statute of limitations will not be sustained in this case. But, fortunately, it so happens, without any intention upon their part, that I have prepared a speech which typifies what one of my life-long friends, Judge Calhoun, told me when he was editing a paper. He said that upon one occasion he had a chance to write an editorial which in his opinion

would make Horace Greeley squirm in his grave, and would arouse the unspoken admiration of the deceased James Gordon Bennett. He had an Irish printer to set up the editorial and when the paper came back and the Judge got his pipe and straightened himself up, to his amazement he only found a part of it. He says, "My God, Pat, you have ruined me. You have left out most of my editorial." Pat said, "Is that so? Let me see." So he took it and went back into the composing room, and, sure enough, he had. So he came back, and he said, "Sol, I am just as sorry as I can be. It is a fact, however. I did leave out about three-fourths of it, but d—d if I don't believe it would have been better if I had left it all out." (Laughter). So that if I leave out any part I have already given instructions to my good friend here, Mr. Streit, to see that it goes in anyway.

ADDRESS OF JUDGE TRULY

At the very commencement of his most famous poem, Lord Byron exclaimed: "I want a hero—an uncommon want, when every year and month sends forth a new one!" An equal difficulty presents itself to one in selecting a subject for an address to an assemblage such as this. Not from any scarcity of subjects worthy of consideration, but because of their multiplicity. In national affairs, great and interesting questions arise, flash upon the mind of the world, and disappear like the gleam of the Northern lights, so rapidly as to bewilder the sober thought of the nation. In this regard and at this critical period, our duty as patriots is plain: Support without hesitancy the policies of the President, knowing that his every act is for the welfare of the nation. This does not imply either final or complete agreement, but does emphasize that lawyers are ready to subordinate private opinion whenever by so doing the public welfare may, even probably, be advanced.

Even within the narrow confines of our own state momentous questions are now thrust upon the public mind, some of them fraught with infinite possibilities of good or evil, and several demanding consideration of this assemblage of the leaders of the state. To one or more of these, more extended reference will be made herein.

The temptation to express one's views upon these possible developments of state-craft is almost irresistible. However, following the path chosen by my immediate predecessors, and obeying the dictates of precedent and tradition, this address will be confined as strictly as is reasonably possible to a report of progress made during this administration by the Mississippi State Bar, coupled with some disconnected suggestions upon related subjects, which it is hoped will be of interest, and possible profit, to the members of our profession.

At the outset it is but fair to state that some of the suggestions hereinafter made have, so far as we know, not heretofore been presented for consideration. Some have been mentioned to a few lawyers and received at least tentative approval. If the suggestions receive your approbation, my friends merit the credit: If the language employed meets with criticism, mine is the responsibility. The words in which the ideas are advanced, the phrases which clothe the suggestions, are my own. They are an expression of a frank and candid conclusion

arrived at in full view of what is due to the position which, by your favor, I now occupy. There is a class of physicians who, ministering to an ailing patient, disguise their medicines by flavoring them with savory sweets and essences in the hope that the patient will absorb the medicine and at the same time regard the decoction as palatable: There is a class of surgeons who in every operation, major or minor, insist that an anaesthetic, either general or local, shall be administered so that the patient may have the surgical work performed without discomfort. I do not belong to this class of practitioners. If it be necessary that an excrescence be excised by the surgeon's knife, if it can be done without physical danger, the suffering of the pain is incident to the condition. If drastic remedies be required to relieve a condition, and quinine, valerian or *nux vomica* be by the diagnosis indicated, then the nauseating taste of the drug may serve to direct the attention to the reason why it is given. Upon the same theory that sainted grandmothers of the long ago washed out the children's mouths with lye soap to punish them for lying.

Consequently, in the following observations my intention has been to state the views in a plain unvarnished way, without any desire or wish to unduly wound the sensibilities of any individual or Court or group of men. Naught has been set down in malice, and surely it would be cowardice aught to extenuate. We disclaim at the outset the remotest idea of impugning the motives of any. We impute ulterior motives to none. But the general public is less charitable in judgment and the Bar must avoid even an appearance of evil. If any excess of feeling be discerned herein, sure it is but the evidence of my not unnatural desire to be of service to the organization to which I am so deeply indebted.

The Mississippi State Bar, as the result of the untiring efforts and indomitable will of recent administrations of Presidents Butler and Venable was established by the law-making power of the State, and was clothed with what at the time was thought to be ample and sufficient powers to effectuate its purposes.

Under the provisions of that legislation, the Mississippi State Bar, an association of lawyers exclusively, was granted power and authority, subject to the limitation of the inherent powers of the Court, to establish an ethical standard and to require each member of the Profession to live up to that standard under penalty of being denied the privileges of further membership, and the cancellation, temporarily or permanently, of his right to practice his profession. This standard is now embodied in our Code of Ethics. The effect of this legislative grant of power was to place the responsibility upon the State Bar for the misconduct or lack of ethical standard upon the part of each and every one of its members. It was given the power to purge its membership, and the procedure whereby, and the cases in which, such power could be exercised was plainly and definitely defined. In former days when reproach was cast upon any lawyer and charges of personal misconduct, or flagrant violation even of statute laws, were lodged, the Bar Association as then constituted could only defend its failure to punish by pleading lack of full and plenary power. Such a defense,

such an excuse no longer exists. It has become the duty of the Mississippi State Bar, and, with equal binding force, the duty of each and every member of the Bar, to assist to the utmost of his endeavor in maintaining a high standard of ethical conduct, and to report any lapse therefrom. In attempting to put into operation the machinery of the law and to bring the entire Profession of the State into one affiliated and loyal association, the Mississippi State Bar was not unnaturally subjected upon the part of at least a minority of the lawyers to a considerable degree of criticism and some amount of resistance. This was not unnatural nor unexpected. The plan was novel in this State: The provisions of the Code of Ethics not fully understood. A respectable number of lawyers, from one reason or another, doubted the constitutionality of the Act. Some disliked the idea of compulsory membership. Some members feared the activity of the administrative officers. Some were apprehensive that the duties of membership might prove onerous or unpleasant. Some challenging the constitutionality, struck the shield like Ivanhoe and invited the Association to deadly combat. Some more wary, like Sal-a-Din, sent arrows from afar to search out the vulnerable points in the armor. In each instance the Mississippi State Bar, through its Commissioners, unhesitatingly accepted the gage of battle. In each instance the Courts upheld the constitutionality, the legality and the power of the Mississippi State Bar. Much of the opposition passed away upon profounder consideration of the beneficial results which must inevitably flow to every lawyer who desires the elevation of his Profession. Apprehensions were relieved by the fairness and moderation of the Commissioners and the Committees appointed. Doubts were removed. Explanations met with concessions from doubters. First opinions were revised and ultimately practical unanimity of thought and action has been reached throughout the entire legal fraternity of this State. Thereby refuting the irritable expression of Thomas Jefferson who wrote, speaking of lawyers, "Whose trade it is to question everything, yield nothing, and talk by the hour. That one hundred and fifty lawyers should do business together should not be expected." We boast many hundred lawyers banded together for a common cause, not personal profit but the elevation of a beloved profession.

During the past year every complaint coming from a reputable source against a lawyer of this Bar, charging violation of law of ethics, dereliction of duty or breach of professional obligation has been impartially investigated. Many required no action further than a notice: some were promptly adjusted: some confessing the truth of the charge, professing repentance and rectifying the wrong, were granted forgiveness and their offense remembered against them no more forever. Some few still pend investigation before Committees now acting.

Therefore it is with personal gratification that the outgoing administration, while it can boast of no great feats performed, no dramatic combats waged and won, can safely say that today the lawyers of the entire State of Mississippi as a class can rank equal with any other profession or division of our citizenship. In nobility of character, in learning, in broadmindedness, in charity, both public and private, and

in civic leadership, the Mississippi State Bar as here represented can safely claim an unblemished, manly, honorable membership.

In Mississippi the firm of QUIRK, GAMMON and SNAP is today dissolved. The SNAPS of the profession, by public opinion and the admonition of their brethren, have been forced into obscurity. Their emissaries no longer haunt the scene of every accident, nor intrude, with lachrymose hypocrisy, into the bedroom or hospital of the suffering. Ambulance Chasing in its past hideous form no longer defiles the ranks of the Legal Profession, or, if it does, the guilty are so few and stealthy in their manoeuvers that their sins have not yet found them out, and their jackals have sought other hunting grounds. Mark this, however, that Ambulance Chasing must not be considered as even remotely synonymous with or even necessarily connected with damage suits, whether or not upon contingent fees and whether for personal injuries or other grounds. That lawyer who by worthy methods, coupled with professional or oratorical attainments, has built up a reputation throughout the commonwealth whereby persons injured or having other class of damage suits are naturally attracted by his success to engage his services is just as much above criticism as the corporate counsel who sits in cushioned chairs, devises the plan of defense for the corporate interest and directs his subordinates the procedure to adopt and the steps to take.

The QUIRKS have found their occupation gone. Whether they belong, as is stated in Waverly, "to the Clan WHEEDLE, or the Clan QUIBBLE," the result is the same: They lag superfluous on the stage. Their usefulness was destroyed and their learning and acuteness repealed by the adoption of a system of Code Pleading whereby one of the most brilliant, intricate and thrilling branches of the Profession now availeth naught and is considered of little worth. In answer to the universal criticism of the "Laws delays," under the guise of abolishing technicalities and expediting justice, we have in some instances come dangerously near to paring away the rights of the litigant. Some few of us still linger who drop a furtive tear and in sad recollection call back the halcyon days of auld lang syne when Chitty and Story and Kent stood side by side with the Code and were companions of many a midnight vigil. We recall with fond affection writs and pleas and motions the very names of which no longer appear save as connecting links in a cross-word puzzle.

Some few OILY GAMMONS mayhap are with us yet. An occasional TITTLEBAT TITMOUSE falls into a snare and is plucked by the poacher, but little regret need be wasted on the gullible victim. Some philosopher, Herbert Spencer perhaps, has said: "Uniform protection of a people from the results of their own folly would people the world with fools." Accepting this axiom as true, it must be admitted that yet it is the privilege and duty of Court and lawyer alike to protect the widow, the orphan, the decedent's estate from rascality and rapacity.

Not only has internal opposition notably lessened, but we dare prophesy that with increased familiarity with the purposes of the Mississippi State Bar, and increased activity and closer affiliation be-

tween the State Bar and the individual lawyer, the professional standard will continue to be elevated, and the time be not far distant when all just grounds of complaint as to lack of ethical conduct will have disappeared.

With this indisputable statement, we are tempted to venture the hope that suggestions which sometimes appear in the columns of some few newspapers whereby unfounded aspersions are attempted to be cast upon lawyers as a class will no longer be published in an effort by an exhibition of cheap wit to gain a little cheap applause. However, lawyers have been the target for the sneers and criticisms of the foolish, the ignorant and the vicious since the days of KING LEAR'S Fool, through the era of Jack Cade, down to the present, when it finds utterance in insinuations which evidence a condition of intemperate irritation and sometimes even indicates individual inebriety.

In achieving this result of a manifestly higher ethical standard being demanded and observed by a majority of the Bar, the speaker would be remiss did he not direct attention to the unquestioning loyalty and the unfaltering zeal with which not only the Commissioners of the Bar but every member of the Profession cheerfully answered the call of duty when made. To specify individuals would be invidious because it would simply name those to whom the most opportunities of service had come. Opportunities, whether many or few, meant performance. Appeals, whether frequent or rare, implied immediate compliance.

By reason of this cordial co-operation and the actual observance of the methods of the State Bar, fears of ill effects have been dissipated and the members with hearty goodwill are rallying to the support of your association.

However, "There remaineth yet very much land to be possessed."

Tradition and precedent both required that the outgoing President of the Bar Association should discuss such questions of legal, national or state-wide importance as may have been presented during the term just closing. Your speaker being neither a jurist, a statesman nor a politician feels himself not qualified to discuss national questions, and surely is not sufficiently advised as to suggest state policies. Consequently, he contents himself by tendering a few suggestions which if adopted in whole or in part it is hoped will increase and extend the influence and benefits of the State Bar Association both to its individual members and to the citizenry of the State as a whole.

One important question to be considered is: How can the individual members increase the efficiency and influence of the State Bar? The answer, broadly speaking, is: By endorsing and supporting the policies of the association as they may be determined upon by the association itself, or the State Bar Commissioners to whom certain powers may be delegated. The State Bar Commissioners are entitled to rely implicitly upon the loyal support of the individual lawyers. The Commission is the chosen representative, and, in some degree, the policy framing branch of the State Bar. The individual members are selected from the different Districts of the State chosen by the lawyers by ballot. When any matter of policy or conduct is determined upon or outlined

by the Board of Commissioners it becomes the duty of the individual members to implicitly obey such ruling and support the policy adopted. No executive board can go forward with any hope of ultimate success if such board is conscious that there is disloyalty or disaffection or lack of fealty in those whom it represents. It was the consciousness that behind him stood in indomitable array the patriots of his land that imbued Leofwine and inspired his heart and guided his spear to easy victory. With faithful loyal followers, the leaders go forward to battle with the victory half won.

For this and many other obvious considerations, the practice of attempting to support in advance a petition for reinstatement by obtaining the signatures of every lawyer in the vicinity or district, and by a multitude of *ex parte* affidavits procured from every walk of life, is deprecated and deplored. It is probably to be attributed to a commendable zeal upon the part of the advocates, but sober consideration, we are convinced, will point out the advisability, the propriety and even necessity of abandoning the practice.

We concede the assumption that the obtaining of the signatures of a multitude of counsel and the filing of a large number of *ex parte* affidavits, may be for the innocent purpose of satisfying the State Bar as well as the general public that the granting of the petition of reinstatement would not only not be harmful to the administration of justice but "would meet with the approval of that part of the bar who lived in proximity to the petitioner." Such *ex parte* affidavits are admittedly improperly filed, and of no legal weight as evidence. Yet, if it be judicially assumed that it does prove a certain state of facts "to the general public," will not the "general public" as properly decide that it is sufficient also to satisfy the trial judge? And thus a most deplorable condition is created whereby illegal testimony, improperly filed, is judicially decisive.

The purity of the motives of the lawyers for every petitioner is granted in advance. The question is: What interpretation will be placed on such actions by the non-interested but impartial yet sophisticated observer? The query presents itself: What weight should a trial judge give to the opinion of the general public? When and why and under what circumstances is a court to be swayed by the opinion of an uninformed public? Surely, such an expression places the ground of decision on too low a plane for judicial dignity. Conceding that the signatures of loyal professional brethren, whether voluntarily proffered or obtained by solicitation, does prove that the granting of the petition will meet with the approval of the lawyers "who lived in proximity to the petitioner." Is this not exactly the argument which was used by the critical public prior to the establishment of the State Bar? Was it not charged that the lawyers stood together whether right or wrong, and that the lawyers would not punish one of their own number even if detected in wrong? Therefore, if the affidavits were filed, and the signatures affixed for this purpose, it would go to strengthen the prejudice which lingers in the public mind of the suspicious public, and which the State Bar is attempting by every earnest effort to remove. When an application for re-instatement is filed before a court

vested with jurisdiction the question for decision is, not what the general public may think, nor how acceptable the petitioner is to his brethren who live in proximity. The vital, the decisive point as presented for consideration is simply: Has the petitioner produced proof satisfactory and convincing to the trial judge of his right to be rehabilitated in character, and again elevated to the high professional position from which his own judicially determined offense caused his removal?

It will further not escape the critical consideration of the public that the preparation and securing of signatures to thousands of *ex parte* affidavits obtained from citizens of every station, from every class, profession and calling, scattered throughout different sections of the State, necessarily entails the expenditure of many hundreds of dollars. The initial cost of preparing the affidavits, notarial fees incident to the execution thereof, the incidental expense of communicating with the prospective affiant, will necessarily result in arousing curiosity as to the source from which such funds were derived. We sincerely trust that upon calmer consideration, when the natural enthusiasm of advocacy is removed, the lawyers of the State will support the resolutions of the Commissioners which will be presented for their consideration.

There is no criticism of any court or individual conveyed hereby, but an attempt to remove one of the few remaining causes of distrust in the public mind.

There is no desire to limit or restrict the right of any lawyer, or any number of lawyers, to appear as advocates in any proceeding. It must be manifest to all, however, if it were simply a litigated cause in a court that any two, three or four attorneys of this State Bar would be ample to fully, adequately and ably present the cause of any client. The practice of circulating a petition in the guise of an appeal for re-instatement, and soliciting signatures of any great and unnecessary number of attorneys, is embarrassing to the State Bar Commission and the attorneys who appear for the Bar at the hearing. It is embarrassing even to the local counsel, and it surely must be unwelcome to every right-minded judge to whom such document is presented. It is embarrassing to the State Bar Commission and to its attorneys because it manifests opposition upon the part of the Bar to an action by the Commission in which it was at the outset the representative of those now in opposition. It is humiliating to the local attorneys for the reason that after the personal friends or the necessary number of attorneys have signed the re-instatement petition other local practitioners feel coerced by the pressure of friendly appeal and hesitate to draw invidious attention to themselves by refusing to join in the movement of their associates and professional brethren. It is unwelcome to the Judge because from whatever motive filed, such a document is considered by the laity as both a threat and a bribe. A threat for the reason that when the entire Bar of a certain District has signed a petition of this nature, by any reasonable interpretation it says to the Judge: "This petition embodies the views of all the lawyers who practice in your court. It is a personal request from them that you should accede to their wishes." And the implied threat is, that if you

refuse and stand firm in opposition to our wishes, you risk our displeasure. Further, it conveys the intimation of an unfair suggestion for the reason that the signatures of such an unnecessary number intimates to the presiding Judge: "This petition expresses our desires upon the issue of fact, not alone our views upon the matter of law," and the clear, unescapable suggestion is that if you, the Judge, will yield to our wishes, our gratitude and support will follow you. Further, it is by the public construed as a reflection upon the Judge, and upon his moral fiber. The only logical deduction which is drawn from such a petition is that the petitioners are imbued with the idea either that the judge is so weak that he will yield to the implied threat, or that he is susceptible to the intimated improper appeal. The public deduction is: If this was not the thought of the Bar, such a multiplicity of signatures would not be needed, and if there was no thought that the petition would have an influence upon the judge and the courts, the petition would not be presented. If the judge yields to the pressure, he is morally too weak to occupy judicial position. If he succumbs to the seductive suggestion of gratitude, he is unworthy to hold the position. However innocent the intention, however worthy the motive of the lawyers: However just and uninfluenced the decision of the judge: Both are liable to criticism. Let a petition for reinstatement be tried in the same way and be dealt with in the same manner as other matters in court.

The further suggestion is made that it would much strengthen your Association and would endear it more to the individual members of the profession if a plan were adopted whereby each lawyer would feel that he was in fact as he is in law an integral and important part of the Association. The views of the Association, the policies adopted, the general information as to its desires and purposes, are not sufficiently disseminated and brought to the personal observation of the individual lawyer. There must be a chain, a succession of links, which commencing with the unit of each practicing lawyer extends up through county association, district association, to the State Bar. A convening of even a large proportion of the members of the Bar once a year is not sufficient to bring about that friendly consort of mind which when it once spreads will mold and weld the entire Legal Profession into an harmonious whole, ready, anxious and willing to work for the common good. Such a plan if it can be wrought out by a committee appointed for that purpose would perhaps involve the division of the State into districts, not necessarily coterminous with the circuit or chancery districts, but probably more expediently into adjacent counties of varying number, dependent upon the membership of the Bar and the accessibility of the various towns within the designated district. Then, if frequently the Commissioner from that district, or the President of some County Bar Association, would call a meeting at varying points so that the lawyers throughout the district might attend and in social converse, upon interesting subjects connected with the Profession, pass at least a day in edifying and instructive communion. The expense incident to travelling required of the several Commissioners would necessarily deserve consideration. In truth, allowance should

be made upon the adjournment of this Convention to defray for ensuing administrations to the Complaint Commissioner and to the President the incidental but inevitable expense of stenographer, postage and stationery required to give proper attention to the multitudinous communications which reach each of those officers.

At such meetings some subject of interest to the profession should be discussed, or some provision of our code of ethics explained, and its scope and design elaborated. It would be profitable and instructive to select, an an illustration, say, Section 28 of our Code of Ethics. This section deserves not only careful study but wide publicity and strict observance. By Section 37 of our Code it is made the duty of every lawyer who by reason of his association with another lawyer gains knowledge of misconduct on the part of such other "to transmit such knowledge to the State Bar." Section 28 goes into greater detail in enumerating some of those things which are forbidden to a reputable lawyer. Therein certain tactics on the part of a lawyer are sigmatized as being unprofessional; some denounced not only as being unprofessional but as indictable offenses at Common law. Specially significant is the provision wherein it is made disreputable for any lawyer to hunt up defects in title or other causes of action and "inform thereof in order to be employed to bring suit," or to breed litigation by seeking out those with real or imagined claims for personal injuries, or having other grounds of action "in order to secure them as clients." This practice is condemned without reservation, and it is denounced and condemned by Canons 27 and 28 of the Code of the American Bar Association. We quote:

> "When a lawyer voluntarily furnishes information regarding a chose in action to a person with whom he does not have professional or personal relations which would justify it, it must be presumed that he is furnishing such information with a view to professional employment. The fact that that person is a public officer or a public Body (such as a tax commission, city counsel, etc.) would not vary the matter. There is no difference between it and ambulance chasing except that it is the solicitation of professional business of a different nature."

It will be interesting and illuminating in investigating this extension of the practice of ambulance chasing to consult the publications of the American Bar Association as well as those of the Committee on Professional Ethics of the Association of the Bar of the City of New York. So far as our information goes, the same rule obtains in each of the metropolitan and State associations where the matter is dealt with.

It will be noted from this, therefore, that the lawyer who, by accident or independent inquiry, ascertains that the tax commission, or any other fiscal authority of the State or any municipality or subdivision of the State, has a cause of action possibly or probably maintainable against any citizen, tax payer or corporation, or against any estate or to any property, for any reason, and on any ground, and takes advantage of this information and notifies the officer whose duty

it is to make collection, of the fact, is "presumed that he is furnishing such information with a view to professional employment," and such conduct comes within the term "Ambulance Chasing," and as such is denounced and forbidden.

We refer to this special section for the two following purposes: One, not by way of accusation but of warning, that no lawyer, who by reason of prominence or opportunity has access to records whereby he may gain information of the character mentioned, is permitted, under the guise of friendship or state duty or otherwise, to take advantage of that information and report it to the authority having the right to bring suit, and then accept employment in such matter. If he should ascertain that the State is being defrauded of taxes by any malefactor of great wealth, whether citizen or non-resident, or corporation, domestic or foreign, if he is impelled by patriotism or public duty to report that to the proper fiscal authorities, it must be from the altruistic motive of protecting the rights of the State, and not with hope of personal reward.

It is a pleasing duty to acknowledge obligation for information and data upon this point to Hon. Thomas Francis Howe of Chicago, Illinois, for a number of years Chairman of the Committee on Professional Ethics and Grievances of the American Bar Association.

The second reason why we feel information on this point should be disseminated is, that it points out the duty of each lawyer to protect not only himself but to give timely notice to a brother lawyer so that he may not fall into the gins, the pitfalls and the snares which beset this path.

In this closer association and knitting together of the bonus of fellowship among the Profession, special emphasis should be placed upon a plan whereby the very young of the Profession could be given an opportunity of becoming acquainted with the older practitioners, and sharing in their conversation or conviviality. Remember, the graduate of today is the judge of tomorrow. At these occasional divisional meetings, let a part of each program be a short talk by one of the younger members of the Bar upon some textbook, new to the college curriculum, and let that be followed by a round-the-table discussion of matters of interest. It will be refreshing and informative even to the oldest of the Bar to occasionally dip again into the pure and limpid waters of elementary law. It would be at least a happy diversion from the All Sorts column of the newspaper and an occasional grotesque decision by a supreme court—not of our own State, of course. The older members of the Bar are also urged, especially now in this discouraging time of general depression, to help in every tactful way that young lawyer who is struggling to make his way in his chosen profession. Encourage him, and occasionally when business permits, in a tactful and kindly way, without any assumption of charity or condescension, associate him with you or your firm in the trial of some cause so that under the kindly and benign auspices of you older leaders of the Bar the youth shall have a favorable introduction to the public. Believe me, there is no bread cast upon the waters which is so certain of being returned many fold as courtesy and friendliness and

helpfulness extended by an older to a younger struggling practitioner. Not perhaps returned to you personally, but the memory of your kindness will be passed on by the recipient in his day of competency to others who will then be where he is now. Do this, and in the memories of mellow age you will find that you take less pleasure and pride in your own triumph and success than in the knowledge that you have upon occasion stepped out of a beaten path to extend a helping hand to a deserving friend.

Will a digression here be permitted in order that a few words of encouragement and advice may be tendered to the very young in our Profession? Your Code of Ethics teaches, and actual experience will demonstate the truth of the statement, that the law is not a money-earning trade. Many achieve competency; some achieve success; a few attain prominence. An equal ability, equal energy, equal devotion in any other line of endeavor would most probably yield larger financial returns. If, therefore, my young friend, your idea is that by being a lawyer you will make easy money, or achieve prominence or fame with little effort, dismiss the hallucination. Your hopes are as baseless as the fabric of a dream. If, on the other hand, you are really in love with your profession are willing to adopt it as your life's sole avocation, then, fight on. The path to competency, to success, to prominence is long and rocky and steep. Much effort will be required: Many rebuffs will be met: Many disappointments be felt. Fight on, as by constant toil and untiring vigilance your exemplary conduct, your studious habits, your prompt discharge of the small duties you may have, will deserve and attract the attention of those who need services of that character. Emerson may or may not have said that the public beat a path into the forest where the mouse trap maker works, but it is true that industry and promptness and attention and ability upon the part of a lawyer will bring clients to his door, whether he lives in the largest city in the land or the smallest village. Fight on. Your reward will come. Success will finally crown efforts. It may be in some case where, without fee, perhaps by appointment, you are charged with the duty of defending an innocent man on trial where his liberty or perchance his life is at stake. It may be that in such a case you will confront that most blood-thirsty of all crowds—a court house mob. In such a trial, with the court house crowded with people thirsting for punishment, the very atmosphere becomes surcharged with hate and enmity, and it seems to you as if a cloud of poison gas was settling down o'er you, and the jury, and even perhaps the judge's stand itself. Fight on. In the presentation of your client's cause face judicial disfavor if in the right. Man yourself with dauntless heart to stand firm against the onslaughts of the prosecution, and finally present your cause to the jury, the arbiters, and await results with the comforting consciousness of duty performed. Ah me! No word of love, how e'er softly spoken by the lady of your dreams, with dewy eyes shyly lowered, with soft cheek blushing with love's proper hue, coming from lips tender and tremulous, can equal the thrill which inspires the heart of the young lawyer when first he hears, in a capital case, the words of deliverance from a jury fall, "Not guilty." The

reward for such victory to the young: Unspeakable, incalculable. In a moment, in the twinkle of an eye, it transforms the boy into a man. It nerves his heart, it steels his arm, it inspires his mind to greater tasks, greater victories, further defense of the right.

The fee—the grateful hand-clasp of the alleged culprit whose deliverance you have won. Tears of gratitude from a wife into whose wounded heart the balm of hope you have poured. Perchance the prayers of an aged mother who sanctifies your name before the Great White Throne.

Pardon my fervor. I am a lawyer. Nothing else. The manifold duties of other avocations which circumstances have thrust upon me are mere incidents. My devotion is to the law. My loyalty to its precepts. My affection pledged to my professional brethren. I still steadfastly maintain that it is the first duty of the lawyer to further his client's cause by every honorable means, by the exercise of every atom of his legal learning and acumen. Second, that no right vouchsafed by law to a party litigant shall be denied your client. That the orderly procedure of the law shall be observed. That the time honored and sacred safeguards which are thrown around the accused for his protection shall be maintained inviolate. I am yet of that legal sect which believes it true and should be true, that it is better far for the guilty to escape than for the innocent to be punished. At the risk of being wearisome, let me here read quotations from the utterance of two of the greatest lawyers who ever adorned the Supreme Bench of Mississippi: One, plain spoken, given to short and terse sentences, and clear exposition of the law. The other, possessing a vocabulary and a diction rarely rivalled, but each an honor to his profession and an ornament to our judiciary. The one wielded the crusader's sword: the other, the keen scimitar of the Saracen. I refrain from mentioning their names so as to give you the personal pleasure by research of ascertaining them yourself.

> "The appellant has been twice found guilty of murder in this case, and his cause has been submitted to us on this appeal without argument by his counsel. We regret the necessity which impels us, in obedience to convictions of duty, to reverse the judgment, and grant him another trial. He may be a murderer, as he has been twice declared to be by juries of his county, but he is, nevertheless, entitled to be convicted, condemned, and to suffer the penalty of the law for his crime, if at all, according to the law of the land,—that law alike applicable to the poor and friendless, as well as to the rich and powerful,—which is the shield of the innocent and falsely accused, and the terror of the guilty. Therefore this court must interpose the protection of the law, as it understands it, to save from an illegal conviction and sentence one of the vilest, guiltiest wretches, it may be, whose cause was ever brought before it."
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> "It is better for the cause of law and justice that a guilty person should go unpunished than that he should be convicted by unfair and unlawful methods. A criminal prosecution should vindicate and uphold, rather than impair or diminish in any manner, respect

and reverence for law. Neither the gravity of the offense charged, nor the rank or condition of the accused, should be allowed to operate to produce a different result. Cooley, Const. Lim. 409; Hurd v. People, 25 Mich. 405; March v. State, 44 Tex. 64; Curtis v. State, 6 Coldw. 9.

"If the common enemy of man were on trial under our laws, for his action in regard to—

'The fruit
Of that forbidden tree, whose mortal taste
Brought death into the world, and all our woe,
With loss of Eden,'

—he should have a fair trial; and if convicted by trick, stratagem, or fraud, the judgment should be annulled."

As a further means of bringing the young lawyers into closer and more intimate contact with the Mississippi State Bar, which upon admittance to practice they become actual members, we venture to renew the suggestion made at a previous date, that the Mississippi State Bar should form a closer alliance with, take a deeper interest in, and further the great work of education being accomplished by the Law College of the State University. It would undoubtedly be to the advantage of the College, the State Bar, and the student body if some plan were effected whereby the student body and the State Bar could be bound more closely together. As one means of awakening an interest in the student body in the success of the State Bar, and, at the same time, arouse a laudable ambition and rivalry within the Senior Class of the Law School, we believe it would be expedient, wise and helpful if the State Bar as an organization would establish one or more annual trophies or medals to be known as the medal of the Mississippi State Bar, to be awarded to that student who excelled in any one or more branches of the Profession. Whether these trophies should assume the form of awards for oratory, or for excellence in any particular branch of legal learning, could be left to the decision of a joint committee of the faculty of the University and of the State Commissioners of the Bar. If the award of scholarship medals or prizes has been found effective, desirable and stimulating in other colleges, it would probably bring about a similar result in the instance suggested. This also is submitted to the consideration of the incoming administration.

To achieve the ends which are sought by the foregoing suggestions, the State Bar needs no help except that of its own members. Each of these suggestions can be carried into effect, or each of the desired results achieved, if the individual member will himself scrupulously abide by the requirements of the Code of Ethics, and will carry out the further duty imposed upon him of reporting any violation thereof or any unworthy conduct upon the part of any other lawyer. The individual member must know that in reporting the violation of the Code of Ethics on the part of any lawyer, he is but protecting himself, protecting his Association, and possibly purging the Profession of an undesirable individual.

There are, however, still remaining other equally desirable ends to be

accomplished in which the help of the courts, or perhaps the legislature is needed. First in importance in this category stands the right and power of the Profession as embodied in the Mississippi State Bar. The legal Profession, subject always to any inherent powers vested in the courts, should have "The power to refuse admission to applicants lacking in intellectual training or moral character, and also to scourge from its ranks the unscrupulous and the unprofessional lawyer." This is a quotation from an address before the American Bar Association recently delivered by President Guy A. Thompson who was the guest of this Bar a year ago. When the dual power, both to refuse admission, to purify its rolls by expulsion, and to refuse re-admission of one suspended or disbarred except upon certain specified rigorous requirements, is vested absolutely in the Bar, then and then only can the Profession be held responsible for retaining incompetent and dishonorable members. But when the Bar of the State is clothed with authority in the several particulars mentioned, then it assumes full responsibility for permitting violation of ethical conduct upon the part of any of its members to go unpunished. These are not my views alone, but those of more eminent jurists as shown by recent addresses of others. We are glad to place before the Bar a chance to enjoy an intellectual treat by referring to the address delivered by President Robert Guinther at a recent annual meeting of the Ohio State Bar Association where a logical, exhaustive and convincing argument on this question is presented.

Under the legislative Act establishing the Mississippi State Bar power is granted to establish a code of ethics and to institute necessary procedings against any lawyer violating its provisions. Under the orderly, fair and impartial procedure fixed by that Act, the offending lawyer can be dealt with even to the point of expulsion. Since the Mississippi State Bar was organized the courts have not been lukewarm in upholding its powers. Its constitutionality has been maintained, its right of procedure upheld, and judgments on disbarment or suspension have been rendered in several instances. When we pass, however, to a consideration of the other branch of the constituted power of passing on re-admission a different condition is found to exist. The procedure which a suspended or disbarred lawyer can follow in an effort to secure reinstatement is plainly marked, but there are no provisions in the law, and no standard erected by which to measure his right to be restored to the high position which he once held and lost by his own fault. The fault, the lapse, the dereliction, the guilt of the disbarred attorney has been determined and absolutely and permanently fixed by the decree of the Court. That decree is indisputable proof that he has betrayed the trust reposed in him by the licensing power. That decree establishes and places beyond further contravention the fact that the proven offense was sufficient not only to justify but to require banishment from the membership of the Bar and striking of the name of the offender from the roll of the court. How shall the offender purge himself of his offense? How shall he wipe out the blot upon his professional escutcheon? How shall he prove that he is entitled to again have his name inscribed among the

honored members of an ancient, honorable and learned profession? The law as it is written contains no suggestion, and apparently leaves the question of rehabilitation and regained worthiness to the individual determination of the presiding judge before whom the application of the disbarred attorney is voluntarily submitted. Such a condition as this demands a remedy. It is intolerable for a condition to continue whereby the mere statement of a lawyer seeking re-instatement of his regret for the conduct complained of, a mere asseveration of his intention in the future to conduct himself in the manner in which he obligated himself to do when first admitted to the Bar. It cannot seriously be contended that a mere profession of regret or sorrow for detection is of itself and alone sufficient to efface the brand of delinquency placed upon the record by the Supreme Court. If that be true, then any culprit upon detection can forthwith express repentance, and without returning the fruits of his wrong doing be pardoned and forgiven. Such a rule as that if it be adhered to in the courts of this State will do much to weaken the belief of the average citizen in the majesty and justice of the law. It will be a travesty upon justice and make of the Courts a mockery. If it be the law that no further fruits of repentance be necessary than the protestation of sorrow and regret and the promise of future good behavior, then disbarment proceedings are futile. The banished lawyer after a few months of cessation of practice can appear before the judge of his own choosing, accompanied by his own friends, and there, by protesting sorrow and a desire for rehabilitation and a promise of future observance of the ethical tenets which he has once violated, must again be admitted to the professional brotherhood which cast him out. And that, too, without confession of guilt, without returning the fruits of offense. Such a rule as that will subject the Bar of the State to the distrust and suspicion and the cynical sarcasm of the laity always prone to attribute to an entire profession the faults of the most guilty of their number. Not only so, but it will disturb the mind of the practicing lawyers themselves and leave their own conclusions as to the justice of the court confused and uncertain. If penitence be accepted as proven by protestations of sorrow alone, then Judas himself must be pardoned, for he returned the money, the price of his guilt, and hung himself to show his own remorse. The cry of HAMLET'S King, "May one be pardoned and retain the offense?" must be answered in the affirmative though his heart be bowed down with knowledge of guilt. If that be true, Tarquin is above reproach because as he skulked away from the bed which he had defiled "he scowls and hates himself for his offense," but restitution he cannot make, for Lucrece lies weltering in her own blood shed by herself caused by his guilt and to end her guiltless disgrace. If that be true, David made full atonement and was entitled to forgiveness when he acknowledged his guilt, and yet continued manlike the primrose path of dalliance to tread and slept in beauteous Bathsheba's arms. Not so. That cannot be the law. Crimes or delinquencies of sufficient gravity to justify the Supreme Court in disbarring a lawyer "may not be washed in Lethe and forgotten."

If such be the law, then the Mississippi State Bar is powerless to

keep out those whom it has banished and whose banishment the courts approved. If such be the law, the final judgment of a supreme court in matters of this kind stand only until a friendly judge can be found who will believe the word of the petitioner and harken to the entreaties of his friends. If that be the law, and it so remain, then the efforts of the Bar to elevate its standard of ethics, to forestall the justice of criticism, to be shielded against the shafts of calumny, all are unavailing. Here therefore legislative action is required in order that the State Bar may achieve the prime purpose of its establishment.

Further consideration of this same matter discloses this anomalous situation. A petition for re-instatement is presented to a judge. The judge, upon a question of fact alone, there being no principles of law involved, grants the petition. An appeal is taken to the Supreme Court, and there our Supreme Court divided equally upon this question of fact. Under our procedure the result is that the decree of the chancellor before whom the petition is presented is affirmed, and that decree of the chancellor becomes the established law of the case, and actually overrules and outweighs the calm and deliberate judgment and written decision of three judges of the highest tribunal in our land. Surely, a situation so anomalous demands remedy! Not only because of the result of any particular application for re-instatement, but because of the possible and the actual happening occasionally of similar divisions and similar results. Whether the purported remedy for this condition and the prevention of a recurrence of such a happening is to provide by legislation that in every case where it becomes manifest that there must be a hearing *en banc,* the Chief Justice shall call upon the Governor before the hearing *en banc* to appoint a special judge, or whether it will require constitutional changes, is one which merits the grave consideration of the State Bar. Sure it is, that our judicial system should not continue to tolerate any procedure whereby such a result can be arrived at! In this matter the State Bar earnestly asks for legislative assistance either by requiring the lawyer once disbarred to file his application for re-instatement before the Bar Association itself, and if aggrieved by its verdict to appeal direct to the Supreme Court for a trial *de novo,* or, if change be required in the structure of the Supreme Court, that that be achieved by constitutional methods.

The foregoing is written without intentional personal application either to individuals or the personnel of any court. Nevertheless the situation exists as stated. A remedy is demanded or the usefulness of the Mississippi State Bar and its power for good are curtailed and its activities crippled. One would not go so far as to insist that every disbarment should be permanent, but manifestly re-instatement should not be so unduly facilitated. Provide reasonable and necessary barriers and this difficulty disappears. At least the erection of such barriers would sweep away justification for caustic criticisms which are now suggested not only in the columns of the press and among the laity, but even in our own ranks. Such gibes as, "SNAP has been disbarred for ambulance chasing. This of course will only be for a time, and it is to punish him for being caught, and to warn

him to be more careful in the future." Or, "GAMMON has been temporarily suspended from the Bar. That was to give the other lawyers a chance to grab off a big fee. The courts will re-instate GAMMON at an early and convenient session." An appeal is made to the courts and to the legislature to remedy this situation or clothe the State Bar with power to provide its own remedy. When that is done,

> All the clouds that lour'd upon our house
> Will be in the bosom of the ocean buried,
> And our brows bowed with victorious wreaths.

Then,

> "Let the dead past bury its dead.
> Would the living divine where they slumber?
> Let only new flowers be the sign."

Suggestions of changes meant to improve the methods of procedure and practise in our courts from this speaker are not needed. All that is required, and this it is a pleasure to do, is to direct the attention of the proper committee and of the next Legislature to the observations along these lines contained in the address of President Venable to this Association one year ago. Improvement of his diction is beyond my ability. The clarity of his utterances is manifest, and the cogency of his reasoning convincing.

One other matter of importance with reference to which the State Bar must call upon the Legislature for assistance, and which involves the consent and co-operation of the members of the Bar is this: By Section 2 of our Code of Ethics it is made the duty of the Bar to interest itself in the appointment or election of lawyers to the Bench. The Bar must protest earnestly and actively against those who are unsuitable for the Bench; it must strive to have elevated thereto only those who are willing to forego other employments of any character which may embarrass their free and fair consideration of questions which may be presented to them for decision. In passing upon and weighing the aspirations of different lawyers for judicial position the Bar must be governed "by an impartial estimate of their ability to add honor to the office." The duty imposed is plain and manifest. The obligation to discharge the duty earnestly and sincerely is equally evident. How the Bar is to be empowered to fulfill this duty presents a problem for solution. The problem is of too great a magnitude to be fully discussed within the compass of this address. Its ramifications are enumerable. It touches the rights of the voter and the privileges of the Bar itself. A problem which at this present time is receiving thoughtful consideration at the annual conventions of the Bar Associations throughout the Nation. Already many states have devised plans whereby the voice of the Bar is potent, their choice significant, their estimate recognized. The manner in which the voice of the Bar is expressed differs in many states, and the best plan to be adopted for Mississippi will require the most careful and painstaking research and comparison of the different plans which have been enacted and adopted in different jurisdictions, so that that plan which will present least ground of complaint, cause less friction, and bring about the

desired result, which is to prevent the elevation of unfit or unqualified persons to the judicial Bench, can be put in force in Mississippi through the conjoint action of the Legislature and the members of the Bar themselves.

In an investigation of this subject it has been ascertained that in a very large number of the larger cities of the Nation a workable plan has been adopted and is now in force harmoniously and without friction. In other cities similar plans are under consideration, and we find that the question has received state-wide consideration in more than a few of our commonwealths. Furthermore, the information is gained through the kindly interest of Hon. W. P. Armstrong, of the Memphis Bar Association, that the question here under consideration was one of the subjects to come before the American Bar Association at the last meeting in Grand Rapids, Michigan. This subject is mentioned only to point out the necessity of the Bar to fulfill its duty, to live up to its high obligation to the Profession, and to the citizenship of the State. At the same time, to know the great difficulty and delicacy of the problem, and the necessity for the exercise of the greatest degree of conservative and conciliatory wisdom in adopting a plan which will meet the requirements, the necessities of the situation, as it is developed in Mississippi. I would be remiss and ungrateful did I not at this time express appreciative thanks for courtesy shown and assistance given in gathering information upon this point especially to J. P. M. Hamner, Secretary of the Memphis and Shelby County Bar Association, and to Hon. Luther Ely Smith of St. Louis, Missouri. It affords me pleasure also to refer to a most interesting and informative article by Mr. Smith which appears in the August, 1932, copy of the *American Bar Association Journal,* entitled, "What Aid Can the Bar Render in the Selection of Judges?" Any lawyer present who attended the recent convention of the American Bar Association held in Grand Rapids is invited to address this convention on the subject mentioned. It is further recommended that a special committee be appointed to appear before the next session of our State Legislature to see what legislation in this direction is needed and its enactment secured.

One further matter is selected for discussion from the multitude of questions which deserve attention at this crucial period in our history. Upon this matter the Bar Association needs and solicits also the aid of the Legislature because it involves constitutional changes. It has been recommended by preceding conventions of our State Bar that there should be a consolidation of the circuit and chancery courts: That there should be a combination of their powers and jurisdictions: That the ephemeral boundaries which are supposed to exist and limit and separate the jurisdictions of the courts of law and those of the courts of equity be in law as they are in fact, abolished and obliterated. The benefits from such a consolidation are numerous, great and evident. It will simplify the trial of causes, it will expedite the progress of litigation, it will prevent the multiplicity of suits about the same general subject matter. It will be of benefit to litigants because the trial will be more speedy and the incident expense much less. Conse-

quently matters in dispute will be promptly settled and frictions sooner adjusted. In bringing such a condition about there would necessarily be sufficient safe-guards erected to protect the rights of all. The number of judicial districts would not necessarily be materially decreased, but only one judge would be required to each district. This would perhaps require the consolidation which is now permitted by Statute, of the offices of chancery and circuit clerks. In many other manifest ways by such a change a great economy would be achieved and the burdened shoulders of the tax payers proportionately relieved. Whether this change and the others connected therewith which will readily appear to the thoughtful can be accomplished by one or by a series of constitutional amendments submitted to the people for their approval, will doubtless be thoroughly considered and correctly decided by the proper committees in the Legislature.

But in entering upon the discussion I am, of course, reminded of, and cannot evade mentioning, the fact that there is at this writing widely disseminated the report that the Legislature will soon be convened in special session, and that the probability is that a constitutional convention to revise our present constitution will be called. Although in advance of any positive decision of this momentous question, the failure upon the part of one occupying this honored position to evade an expression of opinion, or delay forming the same until the matter in doubt is settled, would be not only a shirking of duty as I apprehend, but an evidence of a lurking desire to know the result before expressing a view upon what the decision should be. Personally, as a lawyer, and more than that in this instance, as a private citizen whose recollection carries him beyond the era in which the constitution of 1890 was written, and the circumstances which rendered that convention and that constitution necessary and indispensable to the salvation of the sovereignty of the State of Mississippi, I am bound most solemnly to warn the lawyers of the State that the convening of a constitutional convention in this day of transition, when the affairs of the Nation are disturbed and unsettled, when isms of all kinds are springing up, and being supported, and propaganda of all description being circulated for the regulation of racial relations, when associations of different characters are sending both professional agitators and retained lawyers to appear before our courts from other sections of the Nation, when agitations for equality, social and political, are being incited in many distinctly separate sections and localities, is a grave and serious question, fraught with danger.

An experiment no matter how noble in its intention which should not be tried unless the present necessity demands instantaneous action. I insist that it must be understood that in expressing doubt as to the wisdom of calling a convention at this particular time, it is with no desire to unduly exalt the manhood or the wisdom or the state-craft of those who composed the membership of the convention of 1890. Not only will no expression of disparagement of our present state political leaders be uttered by me, but none is felt of them as a group. Yet nevertheless it cannot be amiss to call attention to the fact that the convention of 1890 was called forth by state-wide necessities

existent at that time which involved the salvation of the State and the continuance of its existence as a sovereign commonwealth. In 1890 the white people of this State were in control only because of a resort to methods which were not only required but justified by social, political and financial internal affairs as they then existed. For this reason, the men who composed the membership of the constitutional convention of 1890 had been tried as though by fire. The fiber of their manhood was hardened, the steel of their hearts had been proven. Inflexible in courage, they had confronted dangers: Faithful, patriotic, homeloving, ready to sacrifice their lives upon the altar of a citizenship to which they had already consecrated their belongings.

In assuming this position your speaker is swayed neither by personal nor political considerations. That all governmental compacts need change and amendment to keep pace with the progress of humanity is but to repeat a patent truism. John C. Calhoun thus stated the fact: "Very few indeed have had the good fortune to form constitutions capable of enduring." But needed amendments, if any, do not justify or demand rewriting as an entirety.

Conceding that the lapse of years and changed conditions have rendered changes in our present Constitution advisable or even necessary, can these defects not be corrected, and these beneficial changes grafted upon our present Constitution by a series of amendments? If so, then let us not adopt the legendary Chinese method of burning the house in order to roast a pig. We will not harbor the insinuation that a bonfire will be made of the entire Constitution so that some favored group of politicians can "carry home the bacon."

It is naught to me save as a citizen of Mississippi, wholeheartedly devoted to her every cause. If, however, a convention must be held, if the needed changes can not be effected by amendments, then let us pluck from this nettle, Danger, the flower, Safety. We must safeguard against the possibility of disaster. Radical innovations should not be countenanced. No serious harm may be done, and some good might result, if conservative, patriotic, non-office seeking men were called together to pass upon the fiscal affairs of the state of Mississippi, and devise plans to curtail the extravagance in the administration of our state, county and municipal finances. There may be matters which would possibly be improved by change because of changed conditions. But one thing must be kept inviolate. The Constitution of 1890, in the wisdom of those who were in control of this branch of its tasks, in the language of its greatest champion, "swept the circle of expedients" to devise a plan whereby the supremacy of the white race in matters political (a supremacy which it had always and always will maintain in matters of character and mentality) so perilously wrested from the scalawag and carpet bagger, should be perpetually and legally maintained free of any danger of political or sectional outside interference. That end was achieved by our present Franchise plan. In matters of white supremacy and of social relations, the stranger must not inter-meddle therewith. Therefore, much of the objection to a constitutional convention, and much of the danger in its calling, would

be forestalled and removed if in the legislative enactment calling a convention there should be this cautioning clause:

> "Provided: That such convention when assembled shall be without authority to change, modify, amend or alter in any particular the franchise clauses of the present Constitution and any clauses or paragraphs cognate thereto."

Embody that in the call and warning is given of the greatest and most momentous possibility of danger. If not controlling, it will at least be persuasive. While perhaps not an absolute forbidding of action by the Convention it would be an expression of the opinion of the people which could not be honorably ignored by the delegates elected after its enactment.

No further argument from this source is thought necessary. But as for me and my house, we adopt that dear old revival hymn which has saved its many thousands and can save as many more:

'Tis the old Constitution,
'Tis the old Constitution,
It has withstood every test.
It was wrought by our fathers.
It is good enough for me.
It was good for George and Calhoon,
It was good for Mayes and Thompson,
It secured our white supremacy.
It is good enough for me.

I seriously warn you: "Remove not the ancient landmarks, which thy fathers have set."

I am through. My duty done. My gavel laid down. My gratitude and thanks remain. Called from voluntary privacy by the friendship of my professional brethren, I return to the position of private citizen, there to remain unless called, another Cincinnatus from his plow, to render humble service to my State. The weight of years admonish me that already the Evening Star of my life is far down the Western slope. What e'er betide, happy am I that it sinks, not amid encircling gloom, but toward a horizon bright with a golden glow because of my memory of your trust and confidence.

THE PRESIDENT: All be seated, please. We will now enjoy the treat of the session. I will ask Judge Lyell to escort Senator Harrison to the platform.

JUDGE LYELL: Mr. President, members of the Bar Association, and ladies: Mr. Martin, the retiring president of the American Bar Association, was unavoidably detained and could not get here today though he had accepted our invitation and expected to be here with his wife. In this emergency, as in many others in this time of trial and stress, we call upon our senior senator from Mississippi. He is to be served up at the luncheon. He is on the program for the banquet this evening, and as he has, next to the President, done more than any other citizen in the United States to give us three meals a day, he will now give you the best breakfast he has got and make it three up today for us. (Applause).

SENATOR HARRISON: Mr. President, members of the Mississippi Bar Association, ladies and gentlemen: I want to acknowledge my appreciation in the beginning of the complimentary introduction.

A VOICE: Louder.

SENATOR HARRISON: I will get louder. It is a great pleasure to me to be here attending this bar convention. It has been some twenty-three years since it was my privilege to attend a gathering of Mississippi lawyers. It has so happened during that long interval that my paths have been carried in a different direction and my duties have kept me elsewhere. So when the invitation came to me to play a part, a humble part, in your program, I was delighted to accept. I had no idea, however, that you would place so many things upon me that in all probability before the day wears along that I shall need some of the Mexican punch of which my friend John Culkin spoke.

I have been fully and well paid for journeying here from Washington to attend this meeting. The wonderful speeches to which we have listened, so full of real Mississippi oratory and eloquence, revive in our hearts those sweet sentiments of tradition and history which Mississippians adore. And listening to those fine and splendid words of logic and wisdom that fall from the lips and spring out of one of the brightest intellects that have graced the history of the lawyers of this state. (Applause). I could have listened to him as I am sure you could have listened to him, all day long. It was only a few years ago when I last heard him. It was not upon the soil of Mississippi, although as one much younger than I am now, I can fancy now those splendid and erudite and wonderful speeches, so evasive of every species of sarcasm and irony, but so full of wisdom, when he was a candidate for Governor in Mississippi. But some years ago in Washington he came there in behalf of a group of property owners along the Mississippi River. He was speaking before a committee of lawyers and they were electrified that day as they were impressed by the force of his matchless logic, and so I know I but voice the sentiments of the membership of the Mississippi bar when I say that we appreciate you, Judge Truly, and we hope you will live with us forever. (Applause).

And for me, in the circumstances, after having heard these fine speeches from Bob Kelly and from Marion Reiley and from Mayor Hamilton and all of these others, I am placed much in the same position as the fellow was one night in Washington some years ago before the days of prohibition gripped the country. He was trying to get his way home from the Willard Hotel. It was a banquet that had slipped into the deep hours of the morning and he was winding his way down Pennsylvania Avenue when he came across a lamp post and there he rested for a while; and gazing around he beheld upon the side of a tall building a sign. It was an advertisement of a motion picture that was coming to Washington the next day. The title of it was "Home, Sweet Home in Three Reels." As he read it he said, "It can't be done." (Laughter).

And surely I can not for a moment even imagine that I could take the place of the distinguished president of the American Bar Association, and my speech, I am quite sure, in the few brief remarks

I shall present to you, will be not unlike my friend Cobb who now represents the great agricultural interests in Washington. He was speaking the other day and he referred to having been back home after many years and he met an old friend of his, a girl who looked much different than when he once courted her. She had grown somewhat deaf but she had the same fine sentiments as of old, and in speaking of her and about her and about old times and old things, finally he said, "Do you remember, Bettie, down by the old creek when you were some younger than I that I put you across my lap and I spanked you." She thought he was talking about the old homestead, and she said, "Yes, but you wouldn't know the old place now." (Laughter).

So there is no similarity between the speech I am going to make to you. I am going to bring to you today this message because I am aware that there are certain people in the country and quite a large group of people in the country, especially among the legal profession, that believe that we are steering away from the old traditions, the old principles, the old policies, and away from the true intention and purpose of the American Constitution. Only recently at a meeting of the American Bar Convention I read utterances of the president, and recently at a meeting in New Jersey of lawyers of that state, a very splendid and reputable lawyer from Pennsylvania, Mr. Beck, former solicitor general of the United States, and at present a congressman, spoke in most disparaging terms of what the American Congress has been doing recently, carrying us further and further away from the purposes and principles of the American Constitution.

I want to say to you, my friends, that in the American Congress there are some very good lawyers. There are men in the House of Representatives who won their spurs because of the great reputation they made, the fine records that they carved in their respective communities as members of the bar. Men's names are upon the roster of the United States Senate who have gone high in their profession and are reputed and supposed to be men of great legal learning. Things are not done in the American Congress in a precipitate way. They try to be deliberative up there. They try to study these great questions there. We do not permit a resolution to go through either the Senate or the House without first having been considered by a committee of the American Congress. Those committees are composed in large part of men who are supposed to be specially qualified to deal with the particular subject matter which is referred to that particular committee. And so they try to give great thought to these things, and I say to you, believing as I do, that I know the sentiment of the American Congress and its membership, that there is not a man in the American Congress that would want to violate any part of the American Constitution. (Applause).

I know there may be questions as to the constitutionality of this or that question. Lawyers have always differed and differed violently at times as to the constitutionality of laws. But we have been moved during these months of economic travail in the passage of legislation that might be in the twilight zone, so to speak; that might bring strictures and criticism against them because of the economic conditions

in this country. When you are confronted with a responsibility to preserve the welfare of this great country, when you have failed and drunk the bitter dregs that have not progressed nor helped the country during a term of three or four years, you are willing in the discharge of your high responsibility as a member of the American Congress to try out some new experiments, not against your oath that you took to support the Constitution, but to try out some laws and some measures and a program that other men who have gone before us either did not have the conviction or the courage to initiate or put through. And so, standing as I do before you today, I want to picture to you briefly what we were up against.

I saw this economic debacle come. I know how the men in the American Congress wanted to solve the question, restore confidence to the people, give them some measure of hope and faith back in their government, but there were men controlling the government at that time that were just as patriotic as you and I, but they had their ideas as to how this government should pursue. They believed that you could continue to keep pace without moving forward, and no army can do that. You can not mark time all the time. It is a method of military science inaugurated for the purpose that those who were not moving so fast might be able to catch up with those who were marking time, that the lines might be formed, and that unity of action might be started. And so under the leadership of those men we were marking time, so to speak. We saw our banking system day by day growing worse. We saw the depositing public of this land losing faith every minute in the institutions which their friends had founded and which they were managing. We saw industry after industry forced to close. We saw streets being filled up with idle unemployed. You could not walk upon the streets and see a smile or hear laughter from any one. The situation grew worse and worse. Men saw the belongings of a lifetime being swept away, debts piling up every day, the value of the dollar that they had expended in the purchase of something growing higher all the time, making it impossible for them ever to meet their obligations. And so it was under those circumstances and confronting those conditions that the American Congress, filled with no purpose to change the glorious traditions of this country, with no idea to violate any part of that great organic instrument which is the bulwark of our freedom, our liberty and our progress, but imbued with the idea of trying to do something, we put our heads together and in a high spirit of patriotism and Americanism, we marched forward on that program that some may criticize, some may lose faith in their government, but which was put forward in the interest and welfare of this country.

There have been throughout the history of the American Congress questions presented that were attacked as unconstitutional, and the same arguments that are now made by some of the distinguished luminaries of America were employed against the inauguration or enactment of those laws. When the Interstate Commerce Commission was created there came up a growl from certain sections of the country and an opposition that was most pronounced and aggressive. When

the Tariff Commission was created the same soundings could be heard throughout the country and the same unconstitutional questions and arguments were presented. When recently in New York the New York legislature passed a law giving the power to a Rent Commission that they might fix the rents of the landlord and the tenant, the same unconstitutional arguments were presented, but when the matter sought its way to the Supreme Court of the United States they said it was in the interest of the public welfare and they sustained the law. When the Tariff Commission question went there, wherein the Congress had delegated this power to a Tariff Commission to increase taxes or lower taxes upon the people within certain specifications, so to speak, I was one of those who employed the argument of its unconstitutionality. My party arraigned it and said it was all wrong, but it went to the courts and the courts said it was constitutional.

And so now, during this session of Congress, when we had seen an enormous indebtedness creep up in amazing figures, and the money that we thought we would collect from our foreign debtors was closed to us, and when we found it was impossible to pay or collect, and when expenditures on certain lines had crept up more than 1000 per cent in almost a few months, and when we were confronted with a deficit in the federal treasury approaching $5,000,000,000.00, it was necessary in a spirit of patriotic endeavor, not to be browbeaten, not to be frightened by a group of men, but to go through for the preservation of the credit of this country and the upholding of this great government of ours, to economize and to retrench. And so we delegated the power to the President, a perfectly constitutional proposition, which will be sanctioned in the affirmative if it is presented to the Supreme Court.

It is not an easy matter to pass legislation in which groups are interested. The men up in the American Congress are susceptible. The men in this audience who are members of the legislature can appreciate that sometimes you hear from back home, and that you become a little wavering. We have men in the American Congress that have their ears always to the ground and who sometimes want to cast a vote that they think is most favorable to the most votes back home. But in times like these, confronted as we were with the conditions that presented themselves, I say to the credit of the statesmanship of this day, irrespective of political affiliations, the Republicans came up like Democrats, they went forward to save this country and try to restore it upon an economic soundness. (Applause).

Do you think it is easy to go upon the floor of the Senate and present a proposal that will take from men who have been getting compensation from the government for fighting the war? Do you think it is easy to reduce the compensation of those men who went forth and battled for their country? No, my friends. Because I am one of those who supported the Economy Bill, and it was my privilege as Chairman of the Finance Committee to steer it through the Senate, and I have no apologies to make for it. (Applause). I did it because I thought it was necessary, and I would vote every cent that was needed to take care of a boy who fought for the American flag and who was wounded or suffered from disabilities in the service of his

country. (Applause). But, I said the service of his country, of service connection, and I do not believe there is any feeling in America against the American Congress giving every cent that is needed to take care of those who are in need, who fought for the flag and suffered in the line of duty disabilities or wounds. This country must always provide for that class of our men adequately, but those who can not show service connection and who do not need the money, must when this country is in the trouble that it is today, forego getting money out of the treasury of the government. (Applause).

And so they say when we give to the President that power and with the other power to go out and reorganize the government in the interest of economy, that it is unconstitutional. Why, my friends, the Supreme Court will never declare what we have passed, any of it, unconstitutional, no, sir. These are emergency measures, yes, passed and enacted to meet an emergency situation. You take the industrial recovery legislation, which was far-reaching, which to me at first was not appealing; but the more I studied it and the more the question was presented in order to meet the conditions in this country, I knew that we would never get back upon our feet unless we increased the purchasing power of America, unless we could start up the wheels of industry, unless we could shorten the hours of labor and take in by virtue of that the unemployed of this country, and it would be impossible to increase the purchasing power of the country. And so we felt that when the Congress was ready to appropriate out of the federal treasury at the expense of the taxpayers, $3,300,000,000.00 for public work construction, that that would be a great impetus to industry, and that industry upon its part ought to give up something if we were willing to give up $3,300,000,000.00. Not only did we do that for industry, but we suspended the Sherman Anti-Trust law operation for these two years so that industry might co-operate in these code agreements even to the extent of fixing prices, if necessary, in this code of fair competition and ethics in business. So business has not given up everything. They have received some things, namely, an expenditure on the part of the government of $3,300,000,000.00 from which these materials must be purchased, and in addition the suspension of the Sherman Anti-Trust law during that time.

Then, on the other hand, we gave to labor that which they have been fighting for for a long time, the right of collective bargaining. I remember in the Senate one of the hardest tests that has been presented to us was one that revolved around the question of collective bargaining or the construction and interpretation of the "Yellow Dog" contract. The name of a very splendid man from North Carolina, Judge Parker, of the Circuit Court of Appeals, had been presented to the Senate as a member of the Supreme Court. I knew Judge Parker. I knew the fine qualities of the man. I appreciated the fact that he had made a very splendid record there. I did not like his decision in the "Yellow Dog" case. I believe as a matter of principle that the laboring people of this country are entitled to bargain collectively in the matter either of fixing hours or in their pay. But he interpreted the law differently He thought he was following the precedents of the Supreme Court of

the United States and not other courts. And so when his name was presented to the Senate a violent assault was made upon him. I supported Judge Parker's confirmation. I believed he was honest and I don't believe that you can destroy a man by failing to confirm him because of one decision he has possibly made in the course of his record. Not only did his fine record influence me, but when he was a candidate on the Republican ticket in North Carolina for Governor he had the courage to tell the people of North Carolina that he would not have the office if he had to be elected by the colored vote of North Carolina. (Applause).

And then a little while afterwards Justice Hughes' name came before the Senate, a man who had embellished the history of this country, a man whose party principles I did not believe in, and against whose policies that he had enunciated I had fought and opposed, and yet he had made a very splendid governor in the great state of New York. He had done a splendid job in the investigation of the insurance companies in New York state. He had served with distinction and credit to the country as Secretary of State. He had adorned the supreme bench of the United States. He had been honored by a great political party as its standard bearer in this country, and to me it was out of the question to vote against his confirmation when his name came before the Senate of the United States. (Applause). And I am glad to say to you, my friends, speaking to you who are my friends, that if it had not been for Claude Swanson, who was then in the Senate, and myself, Justice Hughes would have been defeated in that fight for confirmation as a member of the Supreme bench of the United States. We have got to look at these questions in a bigger and broader way than merely politically.

Today we are in the crisis of this program of national recovery. Labor, on the one hand, is perhaps going a little too far. We wrote into the law what the courts had interpreted and gave them the right of collective bargaining, but there is no reason why in the administration of that law that the labor leaders of the country should demand too much and should make the captains of industry lose faith and throw us out of step in this great march for recovery. And then on the other hand there is no reason in this crisis why captains of industry—I care not if they employ their thousands of men in Detroit, and if they pay good wages to their men or are willing to cut down the hours of labor, men like that, who are leaders in the business world—should subscribe to the code of fair competition that we may all march in unison along the road of recovery at this time. (Applause).

And for my part, I want to say this administration will show that high degree of courage that has manifested itself throughout in the administration of the law, both as against labor, if it should not comply with the law, and against the captains of industry, I care not how powerful they may be, and exert the arm of the law if they do not come into it; because I say to you, my friends, that this program of recovery—from farm relief legislation, giving to the secretary of agriculture the power to cut down yields of farm products, to the industrial recovery bill, that gives them power to search into the very

recesses of your business to see that things are done upon a high moral code and that business is recovering, to the Home Loan Bank Bill which seeks to help the people who are in debt and must save their homes or go out upon the streets, down to the securities legislation which was made to protect the innocent and unsuspecting in this country—all of these things must be carried through in a spirit of complete co-operation, if we are to be successful. It may be doubtful, even if that should come, if we can get results, but I know that the heart of this administration is with us in this fight. I know that it goes out to humanity. It is seeking to help industry. It wants the American people to think again along straight lines, to get out of this mass of confusion and doubt that has hovered over us for years, and if we will only co-operate we will get out of it.

I know from my conferences last week with the cabinet heads at Washington up to the highest except only the President himself—and I think I know what is in his mind because he has unfolded it to me many times—that we have got to increase the prices of agricultural commodities in this country before any of this is going to be a perfect success. (Applause). And he is employing tactics now and utilizing policies at Washington to bring about just that thing.

We gave to him, power, yes, and it was within the constitution, what we did, to go upon the open market and deal in the bonds of this government. We gave him the power, if we could not restore agricultural commodities on some parity with the American dollar and other values, that he might issue treasury notes of this country up to $3,000,000,000.00. We gave him the power, if the conditions warrant it and become necessary to meet this delicate situation, to cut down the gold content of the dollar. They are employing now the first method in this inflation program. Last week there was traded in the open market United States bonds to the amount of $35,000,000.00. A few weeks ago it was only $10,000,000.00. If we do not get results through that procedure—and we may not—but it is one upon which financiers have agreed that in all probability we will—we will increase before this thing is over, bonds on the open market in a week to $100,000,000.00. This administration is out for results. It is going to abide by the Constitution, but it is going to put its ear to the heart throbs of the American people and it is going to drive this program along, and it is up to the American people of every class and every kind to co-operate if we are successful. I thank you. (Applause).

An adjournment was thereupon taken until 9:00 o'clock A.M., Friday, September 8th, 1933.

FRIDAY, SEPTEMBER 8TH, 1933

The Association was called to order at 9:00 A.M., by the President.

THE PRESIDENT: The limited attendance this morning constrains me to believe that many of the disciples are still lingering around where the loaves and fishes were last night. I do not want the Association to miss what I regard as the most constructive part of

the entire program by not being here, and that is Chief Justice Smith's address. I fear that there must have been some misunderstanding and that probably the bar thought it was ten o'clock we were to meet instead of nine. I can not say as to that. I am going to take the liberty, Judge Smith, of waiting until the Secretary comes back, because I think that there is some misunderstanding, and I will not deny the Association the privilege.

JUDGE SYDNEY SMITH: Judge Truly, so far as I am concerned, you do whatever you wish.

THE PRESIDENT: I am satisfied so far as you are concerned that you are glad to serve at any time, but I am concerned about the Bar hearing you more than I am you hearing the Bar. I think though, as my friend, Mr. Stovall, has made so many complaints—not exactly complaints, but demurrers and dilatory pleas, about a decision upon the part of the president of the Bar, that we are going to have a short report of what happened at the American Bar Association, and in order that the punishment might fit the crime, I am calling on Mr. Stovall now. (Applause).

MR. A. T. STOVALL: Mr. President and gentlemen of the Bar Association: Of course, you realize I am a pinch hitter here this morning. They notified me yesterday that they might call on me, but I understood later they would not, and now to kill a little time I am before you to tell you something if I can of the meeting of the last American Bar Association. I would not do this but for my esteem for the President and because of the fact that I realize that nothing is expected of a pinch hitter. In other words, you can not disappoint, if you understand the rules of the game.

The last meeting of the American Bar Association was at Grand Rapids, Michigan, the smallest town that had ever tried to entertain the American Bar Association. Memphis, Tennessee, up to that time had entertained them and done it well, but Grand Rapids is not quite as large as Memphis, yet it entertained the bar association and entertained it royally, first, because they had prepared for more people than came, and the next was that we had the smallest attendance that ever appeared at the bar association. There were less than 1,000 representatives there, due to the fact of the depression, and, of course, a lot of people were apprehensive that they could not get accommodations, but they were accommodated, those who attended, and royally so.

If you had been at the bar association you could not realize the difference between the proceedings here yesterday and the proceedings there a week ago. The whole aim, object and purpose of the association seemed to be to get the lawyers lined up behind the present administration in its recovery plan. Now, we do not realize down here how serious it is. We can not realize down here that people around us are suffering for food. We can not realize around here that they are suffering for heat, coal, wood, or something to make heat. We do not have that down here, but they do there, and winter is coming, and they are apprehensive.

The principal speech of the occasion, and one of the greatest that was ever delivered at a bar association was made by Judge John G.

Parker of North Carolina. He made one of the greatest orations ever delivered to the American Bar, and it was most effective. He is a very able speaker and a very entertaining man in every way, and he appealed to the bar to get behind this program, waive your objections to the constitutionality of it, waive your objections to the legality of the proceedings and get in behind it. He said there is a worse condition existing today than existed during the war, because during the war he said we had funds, we had money, we could do what we wanted. We were not apprehensive about the food and the heat. Now we are. And I thought about our condition down here. We can not realize how serious it is.

It is said after Judge Parker finished, someone talked to him in a private conversation and he said he had just talked the other day with a gentleman who had talked with President Roosevelt himself, and he said, "President Roosevelt, if you put this program over you will be the greatest president this country has ever had." And President Roosevelt said, "And if I don't put it over, I will be the last."

Now, gentlemen, do you see what that means? Do you know that there is mighty near a revolution in this country up there, and we have got to waive our objections to the legality of these proceedings and go along with this administration. And do you know that is my opinion why Senator Harrison is here? He has never been attending these bar associations before, but he is here to help us see how dangerous our condition is. And the only thing I can say to you is that Mr. Cummings, Attorney General of the United States, was there and made a very good talk. About the whole aim and object of Mr. Cummings was to get the lawyers lined up behind the administration's program, and also, incidentally, he spoke about his drive against crime. He said we already had that, of course, but he wanted to impress upon us to back up the president in his administration just like Senator Harrison did yesterday. The whole thing now centers on that fact, and if the Mississippi Bar Association can go on record, as it has done in the past, in co-operating with the President in this regard, we will do ourselves credit.

And incidentally I might tell you that the bar association of the state was very favorably commented on, complimented because of its incorporation. Now, we are one of the five or six states in the Union that have incorporated, and the American Bar Association incorporated five or six years ago, but by the way they do not put on their badge, the fifth, or sixth, or second, or fifteenth annual meeting. They said the 56th Annual Meeting, and I think the other ought to be left off. That is just an observation.

MR. R. L. DENT: What meeting would this be?

MR. STOVALL: It would be about the 28th meeting. We were organized in 1906. There is no use of saying when a business concern is incorporated. They do not say anything about when it is incorporated. It takes its continuity from the beginning. The American Bar Association took its continuity from the beginning, not when they were incorporated five or six years ago, but 56 years ago when it was organized.

The only thing I can say further is that the bar association spoke most favorably of the state bar incorporation, and in co-operating with it through sending delegates, and commented on Chief Justice Smith of our Supreme Court in Mississippi. They did not know I knew him or that he knew me, because they made some very favorable comments on his efforts to co-operate with and help the American Law Institute in its re-statement of the law.

Altogether the meeting was a very pleasant one, and you would not have been ashamed to have been there. I thank you, Mr. President, and gentlemen. (Applause).

MR. R. J. DENT: Mr. President, I want to be in line with his suggestion, and I move that the Secretary be required to designate whatever annual meeting it is, in making up the program for next year.

THE PRESIDENT: I assume that is being carried out, because it is so very timely.

I think the action of the Chair in calling upon Mr. Stovall and the succinct and interesting statement which he made demonstrates more than anything else the wonderful judgment which the Chair possesses in picking out men. (Laughter).

It is now the privilege of the Chair to present to the bar the opportunity of hearing with reference to the outstanding achievement of the legal profession in this state during the past year. For that achievement and the results thereof the Association as such has a very small part. The great credit is due and the thanks, and undying thanks should be paid, and the gratitude which will exist for many generations yet to come belongs to our own Chief Justice Sydney Smith who will now address you. (Applause).

CHIEF JUSTICE SYDNEY SMITH: I thank you, Judge Truly, for your very complimentary remarks. Whatever has been done to forward the work of the American Law Institute by the Mississippi Bar was not done wholly by me. I simply took the initiative. The work he has reference to was largely done with the assistance of some of the members of the bar, and I will give you their names in a few moments.

I appear before you, not at my suggestion at all, but I was conscripted by your President, and I was glad to meet the demand, not only because he wanted me to do it but because I have been requested more than once by Mr. William Draper Lewis, the Director of the American Law Institute, and by Mr. Goodrich, the publicity man, to do this. I did it once before, if you remember, at Gulfport, but did not get very much result from it.

Now, I am going to take it for granted that all of you know what the American Law Institute is, how it was brought into existence about ten or twelve years ago by the American Bar Association, and that it is composed now of a great number of the foremost jurists—and I use that term advisedly—or, if your prefer it, of the foremost members of the bench and bar, including professors of law schools, in America.

The work it is engaged in—I will just refresh your memory briefly

—is no less than a re-statement of the entire body of the common law. This work will be a Corpus Juris in a more emphatic or more true sense than was the work of Tribonian and his associates when they codified the civil law. It is the most far-reaching work in so far as its effect on the jurisprudence of America and the actual administration of the law in America is concerned that the bar of this country has ever undertaken. That is not language of extravagance because this great association has done a wonderful work along many lines, but this is the greatest, and before it is completed most of you in whose faces I look today will have passed into the great beyond because it will go on indefinitely.

It will take a long time to publish the first restatements of even the fundamental principles of law, taking them separately; and then, of course, when they reach the last subject it will take time to revise, in accordance with the decisions of the courts, the earlier restatement. That shows you the magnitude of the work and what it means to the bar, to the bench, and what it means to the American people.

The way the work is done is this: A reporter and an assistant reporter are selected for each subject of the law, and they are furnished with an advisory committee of about twenty, who check all of the reporter's work, and it will surprise you how often the reporter has to revise his work after submitting it to his advisory council. After that council has passed on it, that committee, it is then passed on by the board of directors or executive committee, I forget which, of the association itself, which committee is composed—a council they call it, I believe—is composed of very great lawyers. The father of this whole scheme was no less a man than Elihu Root, who beyond question in ability is probably the equal of any man of the American bar there, but because of probably accidental circumstances coupled with his great ability there is no doubt that he was the leader of the American bar when he first suggested and practically organized this great institute. No less a man than Judge Taft paid him that tribute at the meeting of the institute itself. He could say that because Mr. Root is out of practice, an old man.

The first president, I believe, was Charles Evans Hughes. Is that right, Mr. Stovall? I think it is. Its present president is Mr. Wickersham, a very versatile man, a good lawyer, a man of great administrative ability, of undoubted patriotism, and a master of the details of an organization of this character. Its director now, Mr. William Draper Lewis, was dean of the law school of the University of Pennsylvania, I believe it was, when he was conscripted, a man of great executive ability, a lawyer of wide learning, and he was the equal in this work of Tribonian himself.

The subject of Contracts was assigned to Mr. Williston of the Harvard Law School. He was the reporter. I forget the name of his assistant. Mr. Williston is a master of the subject of contracts, if you remember. He is the foremost commentator of the present generation in American on the subject of contracts and its kindred subjects, a man of indefatigable energy, getting along in years, but the amount of physical work he can do is surprising.

The reporter for the subject of Conflicts of Laws was Mr. Beale, whom all of you know, a master of that subject. It is worth going to the American Law Institute to see Mr. Beale in action when his report is up for consideration—a very attractive man, quick as he can be, a master of repartee.

And Dr. Bohlen, now of the University of Pennsylvania, dean of the law school—for a while he was at Harvard—is the reporter for the subject of Torts; and you know Dr. Bohlen's competency, I am sure, to deal with any legal subject particularly with that of torts. If he has a specialty, it is torts.

That is the way it is prepared, and after the general council has tentatively approved a restatement it is submitted annually on the first week in May in Washington to the members of the institute at large who do not have any voice in the preparation of the restatement, but who are charged with the duty of criticizing it and suggesting improvements and things that should be eliminated from it.

The ex-officio members of the institute generally now are the presiding judges of the state supreme courts, the federal courts of appeal, and all of the judges of the United States Supreme Court, and a number of lawyers who have been elected by the council now to life membership. Mr. Stovall is one of those. Mr. Leroy Percy was the first life member in this state. There are several others. George Butler was a member, John Dulaney was a member. I forget now all of them; there are some others. When that restatement is submitted to the body it would just surprise you how many criticize it. Men come there who have studied it, and I have seen the reporter often admit that the correction was at least worthy of consideration and sometimes that it ought to be made.

That body simply suggests corrections. The work then goes back to the council and the reporter and he goes over it again in the light of the criticisms that have been made, and it is all taken down in shorthand where it is not passed up in writing, and revised in accordance with the criticism provided the reporter, his committee, and the general council think it ought to be. Of course in the last analysis the general council has the last say about the phraseology of the restatement.

That is the way in which the work is being done. You see the care, you see the time that is required, and you see what will be the weight given to an instrument of that character, to a treatise of that character by the American bar.

Now, I make bold to say I know the judicial mind. I know the versatility of that mind, and it is a good thing that judges' minds do not all run in the same channel: I think it would be a sad day for the jurisprudence of the state of Mississippi and a much sadder day for the jurisprudence of America generally if all the judges on the court, the particular court, had minds running in the same channel. You see where it would lead. The law would become rigid. It would not progress, and it would run down a narrow channel instead of spreading all over the state and taking care of every varied interest. But I know the judicial mind, and I think I can say whether a judge

is himself attracted to the restatement. He may rebel sometimes, but no judge in my judgment, who values his reputation and in whom the bar will have the utmost confidence, is going to concur in deciding a case contrary to the restatement, embodying as it does the best thought of the American bar and bench, in the absence of a controlling decision in his own jurisdiction, without carefully studying that restatement; and if he goes against it, he is going to tell you why. He can not afford not to do otherwise, and the bar is going to expect it.

The restatement is going to be cited to the court and it is going to be relied on by the members of the bar when in their favor, and if it is not in their favor they are going to be put to it to labor arduously and long, in order to show where it is erroneous. It can not be disregarded by the bar. You are bound to use it whether you like it or not. Justice to your client demands it, to yourself, and to the court. It is being cited now by the courts all over the land, and I am glad to say that the Mississippi bar have waked up to the situation and are citing it now in their briefs. I do not mean to say that the courts are going to give up any individual opinions. But I do say and repeat again that they can not afford to ignore it because of its great value to the American people, to say nothing to the bench and bar, of producing a certainty in the law and a harmonious system throughout America, but will be forced to follow it unless their judgment impels them to the contrary. Of course, they will follow their own decisions.

Now, the working tools of the lawyer are going to be—I can not enumerate them all, of course, but I have no hesitancy in saying this—that three of the indispensable tools of the American lawyer hereafter will be, first, the code of his own state or of the federal Congress; next, the decisions of the highest appellate court of the jurisdiction in which the question arises, the state or the federal supreme court; and third in order—he will have others, of course—but the third in rank of his indispensable tools in the future is going to be the restatement of the common law by the American Law Institute. I mean every word of that, and if I had more emphatic language I would use it, because I want to impress on this bar in the interest of the jurisprudence of Mississippi, in the interest of the courts of the land, and in the interest of your clients, that you do not neglect this great mine of common law learning.

I do not know what your custom is in working up a case. Lawyers differ about that. But when I was at the bar—and I have followed this same custom more or less since I have been on the bench—where a question comes to me in which I must reach a conclusion on it and when there is no controlling decision of the Mississippi Supreme Court or of the federal Supreme Court, if it is a federal question—that before trying myself to analyze the various and so often conflicting decisions that are cited by counsel or have been found by myself, my custom has been—and I doubt not it is the custom of many of you—to first consult an elementary treatise on that subject where the editorial work for you has been done and you can know what an expert on the subject thinks is the result of that mass of decisions. If I am studying contracts I prefer, of course, Mr. Williston. If it is a

question of evidence, of course, Colonel Wigmore. I could mention others. And then after that is done I can approach the decisions with a clearer conception of what they mean and with an easier task and reach for myself a more satisfactory conclusion. I do not always follow the text, no. I do not like to reach a final conclusion. I do not do it, and I do not think any other judge on the bench does it until he has had a conference with his brethren and obtained their opinion on it; and full many a time I have myself and I have seen each one of my associates go into the conference with a pretty clear view of what he thought it ought to be, and after it was over he changed his mind and voted in accordance with what some other judge had told him was the law. I do not take much to these fixed opinion propositions, because all of us are human. No man ought to make up his mind finally on any subject of any importance until he has studied it from every angle and, if others participate with him, until he has heard their views. We overlook it frequently, and I know you older members of the bar have often been aided or shaken off your position and made to take a different course in a trial because your junior, a young man, brought something to your attention that you had overlooked. The court does not always follow the textbooks, but they are an aid.

Now, all of that editorial work has been done. You do not have to look through encyclopedias and voluminous textbooks, but in short, succinct language, without any surplus words, what the experts of America say is the rule or should be deduced from prior decisions, has been put right there before you. You are relieved of all that. You do not have to follow it, no, but you start with that and you are relieved of all of this other work. That is what the American Law Institute means to the bar of America.

Now, why should I come here particularly and call your attention to that? I doubt not that if you have given it any consideration you have reached the same conclusion. All over the land the law schools have been teaching it in their colleges. They won't let their students leave the walls of those colleges until they have been brought in contact with this restatement, and if it is wrong in the judgment of the law professor, contrary to a local decision, he points it out.

Now, while I am here I may say that the Mississippi cases do not always agree with the restatement. Sometimes they are in conflict. I was surprised, however, in annotating the decisions, or rather, in assisting in annotating the decisions on contracts, how often our court is in line with what is now in the restatement. There is one very marked variation between the rule in Mississippi and what the restatement enacts as the law, and that is in this, and I am going to tell it just for reasons that are obvious. The Mississippi courts are always independent. There came before that court the question once years ago in *Clayton* v. *Clark* from Tupelo. The Supreme Court had been holding, you know, that the acceptance by a creditor of a less amount than is due by his debtor and his payment did not release the debtor from the obligation to pay the remainder of the sum due, that it was without consideration. They held that even though it was an executed

contract, just the same as a gift; and a case came before the court of *Clayton* v. *Clark* on which Mr. Williston wrote me not less than ten days ago, in discussing the annotation is a noted case in law school circles, contrary to the restatement, and he suggested that I make a change in the annotation of that case so as to bring out more clearly the conflict.

I will say that the man who caused the Supreme Court of Mississippi to change its mind contrary to what is the rule in by far the majority of the states is now a member of that court. It was Judge Anderson, and it was through his clear mind and vigorous presentation that the court was persuaded. He did not mean for me to tell this. I do not tell consultation room secrets much: we have a lot of things that go on in there that are all right with us, you know, but it would not do to tell outside. But when the brief was being written in that case, Judge Anderson, a young lawyer, put it over his senior associates who did not want—did not think they ought in the face of those decisions—to put the question to the court, and he won his case. So do not always be bluffed, because there are prior decisions. Sometimes they are wrong. The truth about the matter is I have written one or two myself that have been overruled, and sometimes I have had the misfortune to be constrained to ask the judges to let me write the opinion myself overruling same.

Now, what is it that I ask you to do? The American Law Institute has asked the bar associations all over the country, and they are responding all over the country, to do this—and when they originally conceived the idea of the Institute it was the intention to publish simultaneously with the restatement a treatise on the subject, separate and distinct, but published by the Institute. It was found after about two or three years' work that it was almost impossible for a group to agree on a commentary. They could agree on a rule, but a group could not agree on a commentary; and in addition to that the work would have been very much slowed down because it takes longer to write a commentary in that situation. They did not have the money to do so, either; so they abandoned that.

It is hoped that commentaries will yet be written and published, not by the Institute, because it does not intend to follow commentaries, but by men selected by the Institute for that purpose, for whose work, however, the Institute is not responsible; and the publication will be done privately, just as encyclopedias are. That will be some years from now. I think Mr. Williston may do that for contracts, and I hope Dr. Bohlen for torts.

The restatement is couched in very succinct language. They had to state a short rule and they had to view the subject in a broad outline, and let the rule cover the genus of the subject and not descend into the species. Some members of the bar I find up at the Institute, some members of the bar on a superficial examination, generally sometimes more than that, are a little irritated, and say they are unable to understand the restatement. Sometimes the fear is that the average lawyer—I will not say the average lawyer, but some lawyer to whom the code has been heretofore the principal working tool—would not

be able to understand it. I want to say for them that the gentlemen who phrased the restatement, most of them are law professors. They are capable of getting over a subject into immature minds. I am not going to admit for a moment that a lawyer who is licensed to practice law and actively engaged in the profession, has not the ability to understand what the law student can understand. It is quite hard sometimes. I admit you have to study it at times to see exactly what the particular subjects come within, or whether a particular subject you are investigating comes within the rule. Now that will be very much obviated. The work of the lawyer and the bench will be very much facilitated if the restatement can be annotated with the decisions of each jurisdiction, the state supreme court, the federal appellate courts and the United States Supreme Court. With that now, no lawyer will have any trouble in understanding what the restatement means. He may not think it ought to be followed, but he will know what it means and he will have a basis to start on so he can work up his case.

The Institute has not the money to do this. It can not undertake that work. It is hoped that the work will be done by people who are sympathetic with the purpose to be accomplished and not just a commercial project for the making of money. So the Institute has asked the bar associations of the various states—they did that some years ago, and they have been pressing it—to have the restatements annotated with the decisions of their own courts. The Mississippi Bar Association has been expressly asked more than once to have the annotations annotated with the Mississippi decisions.

Now, I presented that matter at Gulfport some years ago at the special request of Mr. Lewis—William Draper Lewis. It was received sympathetically. A resolution was introduced appointing a committee, and the thing died there. Nothing was done, not because they were not interested, but the gentlemen did not have time, or probably did not care to do that sort of work. We could not get anything done, and so with approval now of the executive officers of the association a little over a year ago I decided that I would take the initiative and see if we could not get the Restatement of Contracts annotated. It was published last October, you remember—that is the first restatement—and lest I forget it, "Contracts" was published last October, "Agency" will be published this October, "Conflict of Laws" and "Torts" will be published in October next, and the other subjects will follow at more or less longer intervals during the succeeding years. I think it will be two or three years before the next one is published.

Now, that was the state of the work. I could not do that work by myself. I felt a hesitancy anyhow. So I wrote to a number of members of the bar and asked them if they would assist in annotating "Contracts," each one taking one or two chapters. Well, several of them,—I know they wanted to do the work, good men, capable of doing the work—said, "Yes, send the books to me." When they got to it they decided that their business was such that they could not do it. It would surprise you to know how many wanted to but could not, and I do not feel hard towards them, because it does take work,

takes a good deal of time. But several gentlemen did agree to assist and did do the work, and I want to tell you that I compared their work with the annotations of other states, the work that was done by men skilled in research, who have written textbooks themselves, members of law schools, works well done; and the work of these gentlemen compares favorably and is up to the standard of the work. We owe them thanks for doing it. Those men were William Hemingway, University Law School, W. I. McKay of the Vicksburg bar, John Dulaney of Tunica, William H. Watkins, Sr., of Jackson, Frederick J. Lotterhos of Jackson, and V. W. Gilbert of Meridian. The personnel of those assistants insures accuracy, and faithful labor, as you all know, and they did their work well. It was completed—circumstances prevented it from being completed last summer—it was completed this summer. In August it was delivered to Mr. Goodrich, the man in charge of it. It is now being examined by no less a man than Mr. Williston for approval. I have had some correspondence with him. He has not suggested a change. I have no doubt he is going to approve it, though he may suggest some changes in phraseology or style. It is going to be approved, and I think it will be published within the next sixty days, so that you will have a key then to "Contracts," without which you can not easily and effectively use the work. And let me say again, you must, if you discharge your duty to your client, to the public, and to the bench, you must use the work.

Now, the question is how are we going to get "Agency" annotated? I think the Bar Association ought to take the initiative in this. I do not shirk anything and my associates do not shirk anything. They would be willing to help. But the bar ought to take the initiative for several reasons that readily suggest themselves to you. The work should be done under the auspices of the Association. Annotation of the Restatement of Contracts cost the Association only $200.00, and it would not have cost $200.00 but it was impossible to get some gentlemen to finish some work, the time was pressing, and we had to get part of it done, which cost $200.00.

I want to suggest that you gentlemen take an interest in this, that you here take up the initiative and have this work done. Mr. Goodrich tells me it is essentially a one-man job. It is all right, he says, if you can not get it done the other way, to have various men do parts of it, but one man ought to do it all, with such assistance as he can obtain and wants, but the work of which assistance he must verify himself and vouch for. It is a one-man job. That has been the course pursued in other states, and I am glad to advise that "Torts" which will not be published until October next will be annotated by one man, and that is V. W. Gilbert of Meridian. And when you see the work he did on "Contracts" you will know that he is capable of doing that character of work. He did it well.

Now, I think you ought—just appointing committees does not get you anywhere—you have to be mighty careful in doing it, but you ought to take some steps or authorize your executive committee to have this work done. The pressing need is "Agency." Any lawyer can take "Conflict of Laws" and annotate it before it is published.

Now, it may cost you some money to do that. I do not know. If you employed a lawyer to do it and do nothing else it would take about four months, I imagine, owing to how skilled he is. It ought not to take any man any longer than six months. It might take six months of his time if he did it right along, but if it is scattered over a period of a year or two years there is not much sacrifice of much time. It ought to be a real joy to you to do the work. "Agency" is on us now. The others are in the future.

Now, I understand—I don't vouch for it—that the annotations in the other states have not cost the bar associations anything. I do not vouch for that. I have been told that, and I am going to ask Mr. Goodrich when I next see him. I am afraid you may not get an expert lawyer to do that. It is usually done by law professors. Our faculty at the university law school is small and they are very busy, and probably could not do the work by themselves. I do not know about that. But I hope you will do that. Now, if you do not do that, "Agency" is going to be annotated. I pledge you my word about that, and if you do not make arrangements for it—and let me say I hope you will—then I am going to try, with the approval of the executive officers of the Mississippi Bar Association, to conduct the annotation in the same method I pursued before, that is, by volunteers from the bar. I dislike to do that. It is a right serious thing for a member of the bar to decline to do a thing that is an advantage to his profession, and will be good for him to do, which the court wants, when he is asked by the Supreme Court—by a member of the Supreme Court—to do that, it is rather serious. I do not like to do that, because a man sometimes does it when he does not want to do it, but if you do not take it up, it is going to be done that way.

Now, let me close. I have spoken longer than I intended to. You have other things that are more pressing. This emergency, this depression we are in, that is on all of your minds, I want to say to you that while this does not meet any immediate emergency, that in the long run this work is just as important as anything you could do to tide you over the present emergency. (Great applause).

THE PRESIDENT: The Bar Association has heard Judge Smith's wonderfully informative and instructive address. The work to which he has devoted his own time without reward or compensation is for the immeasurable good of the present bar and also for the good of the bar yet to come. It ought to meet the hearty approval of the bar association, and while I do not know that the bar has any authority —I see nothing in the law that the president has any authority—I see nothing in the law to prevent his suggesting that the bar and this association here assembled instruct the new board of commissioners to be elected this day that this work shall go on at the expense of the bar as indicated by Chief Justice Smith, and that Chief Justice Smith, at his convenience, confer with the new board of commissioners when elected. I will entertain a motion to that effect.

MR. R. M. KELLY: I will make that motion.

THE PRESIDENT: Is there a second to that?

JUDGE J. D. FATHERREE: I second the motion.

THE PRESIDENT: Is there any discussion of the motion? All those in favor of the motion, coupled with the thanks of the Association to Judge Smith and his associates for what has already been accomplished, please rise. I am sure Judge Smith is complimented, and the president is gratified, that this suggestion meets with such favor.

Now, Mr. Secretary.

SECRETARY JIGGITTS: In yesterday's issue of the Vicksburg *Evening Post* there is a full copy of the report of the Committee on Judicial Council. We will pass these papers out so you can study that report and when the time comes to pass on it you will know what it is all about. I will just pass them down the line.

THE PRESIDENT: Gentlemen of the association, the next matter, according to the program, that comes before you is one that appeals to every member of the bar, not only every member of the bar as it now exists, but every member of the bar who has a son, or a daughter, for that matter, whom he expects to join this profession. The matter which will be presented to you now is one in which the welfare of the young lawyer is inseparably interwoven. I have had the honor myself of suggesting that in order to assist and forward the work which Judge Kimbrough addresses you with reference to should be further enhanced by the active co-operation and assistance of the Mississippi State Bar. The legal profession, as every other avocation, because it is no trade and it is an avocation, the legal profession must look, so far as the individual members are concerned, to its main reward in what the member lawyer can do for the good of the community in which he lives. That lawyer who is going to school now and who expects to eke out a dull and humdrum life by attending to simply the small matters that come and is not inspired by a desire to assist his community, misses the greatest privilege of being a lawyer. The reward of a lawyer is his standing in his community. The compensation of a lawyer, so far as money, dollars and cents, is concerned, is less than the lawyer of average ability could make at any other profession or business in the world. And I will guarantee upon my knowledge that there are fewer rich lawyers in the south than there are in any other line of business. And I will guarantee you further that there are more leaders of opinion, more civic heroes to stand up for right, more names heading the charity list, more people who lead forlorn hopes for what is good for the country headed by lawyers than every other profession combined. So we want to do what we can to demonstrate to the boys who are studying to be lawyers, how they can be recognized as speedily as possible. A young lawyer that starts out in life with no friends, no money, no books, no office, no political pull, has got a depression with him all the time. (Laughter.) There is no N. R. A. with him, unless you are going to say "Not room enough," and let that stand for a mis-spelling of it. So I advocate and I have advocated most earnestly that no matter where the money comes from —because if a lawyer makes money he is willing to give it to you—that the Mississippi Bar give to Judge Kimbrough and the new board of commissioners sufficient money each year to establish two medals or

trophies or whatever you may call them, to be known as Mississippi State Bar Association trophies, one for general excellency in learning, and another—and I insist on this—another for excellence in oratory. You may talk about this, that or the other, but at least when it comes to oratory—and I speak from experience and knowledge—if I were to quote and try to be eloquent myself, I can quote Daniel Webster from the storm-cast coast of Maine to the sunlit harbors of California, but when you want an orator, he is a Southern man or an Irishman.

JUDGE SYDNEY SMITH: Sometimes a combination of both.

THE PRESIDENT: That helps very much. So I say, let us do that for the law class in the college, and then let us give the young man who has acquitted himself well in the Judge's senior class—let him come before the Bar Association and deliver a few words or write a short essay, and it will be refreshing to us old men to drink once more from the limpid waters of Pierian Springs and take our minds off the comic strip in the newspaper or some grotesque opinion by some supreme court of some other state.

Judge Kimbrough will now address you.

JUDGE T. C. KIMBROUGH: Mr. President and gentlemen of the Mississippi State Bar: I enjoyed very much listening to the talk by Judge Sydney Smith on the question of the restatement of the common law. I have belonged to the American Law Institute almost since its organization. I regret very much the fact that I have not been able to take a very active part in its work, but I have been sympathetic with the work being done by that great organization. I know personally a great many of the men who are actively engaged in the restatement of the law, and I appreciate the fact that they are giving a great deal of themselves to this work in order that the profession throughout the country may benefit by it.

I am glad that the law school has been able to take some little part in the work. We would have been glad to take a larger share or larger part in it but for the fact that our faculty has been small and the men have been very much overworked in trying to carry out their duties in the law school. But we have been able to assist some and I would like to confer with those who have this matter in charge as to annotating the restatement to our Mississippi conditions, and if we can help it will give us pleasure to do so.

I regret to say that so far as my part on the program is concerned, I have really prepared no address, the truth of the matter being I did not know I was expected to make an address until after I was on the way down here and saw it in the newspaper. I had no official notice of it, so that my talk this morning will simply be a sort of rambling discussion of the growth of your state law school.

It is always a pleasure to talk with the bar about the law school, because of the fact that I have always found the bar very much interested in the school. I have found you sympathetic, ready and willing to do what you could in order to bring about a development and growth of our state law school. I remember, I believe it was in 1927, that I came before the bar association when it met at Jackson, Miss., and told you of the dilemma we were in at the University. We had

no physical equipment in the way of a law building suitable for the work we were attempting to do. We did not have a well-equipped library. We were wanting in many things. I explained all of this to the association and said to them, "The only way we can get this help is through your efforts. I could go to the Chancellor and say to him that we needed help. We might go to the Board of Trustees and say we needed help. The answer would be, 'We have no money,' and that would be the end of it." But I came to this body. I explained to you the situation. I said, "It is your law school, and we want you to get behind this proposition and give us the equipment we should have." I received a quick and ready response—a hurried and sympathetic response from this body. A committee of distinguished lawyers was appointed. They came to the University and looked the situation over. They found out the fact that the legislature from time to time had sent committees to look over the physical equipment of the law school and that those committees had reported back to the legislature that we did not have sufficient equipment, and yet nothing had been done. But this committee, composed of splendid men from this body, took the matter in hand, went to the legislature with it, and as a result we have today on the campus of the University of Mississippi a modern up-to-date law building, the equal of any in the southern states.

I think this was one of the most constructive pieces of work that has been accomplished by the state bar association. This magnificent well-equipped law building stands as a monument to the fine work done by the state bar association.

It gives me pleasure to report to you today some growth that we have had in the law school. There is a vital connection, as you know, between the law school and the great body of lawyers now making up the state bar. Of necessity there must be a vital connection. The young men in the law school today who are going out into the practice step out of the law school into the state bar, becoming members thereof almost automatically. Looking over this body on yesterday, I believe I could have counted fifty to one hundred young men now practicing law in the state who have gone out from the state law school within very recent years. Some of them have become district attorneys, county attorneys and county judges. It will not be many years before they will be filling the judicial positions of the state. A great many of them are members of the legislature. We have five or six members of the legislature in the law school now. So there must be and there is a vital connection between this organization and the law school. It will not be many years before these young men who are going out of the law school will constitute largely, very largely, the controlling elements and influences in the state bar association.

The training these young men receive, the influences that are brought to bear upon their minds while in the law school materially influence, must materially influence, their views and their conduct when they become practicing lawyers and members of the state bar association, so that we deserve and should have your cordial sympathy and help.

Then there has been a substantial growth in the law school in an

enlarged and a more extended schedule of study. A three-year course is now necessary in order to secure a degree, I believe I may say there now exists the requirement of harder and more consistent work in the law school on the part of the students in order to secure a degree from that institution. It was true at one time in the history of the school that you could secure a degree by doing one year's work. I think I see men before me in this audience who did that very thing, but this can not be accomplished now unless one spend three sessions of the hardest kind of work. At least we try to make it hard work, and I am told from pretty reliable sources the work is hard, and it ought to be. Laying the foundation for life work as a member of the bar should be characterized by the most thorough and efficient work from the beginning of the course to the end of it. Nothing short of such work should warrant the state in awarding the student a diploma.

I was talking with Chancellor Hume just a short time ago when he said to me that the conditions in the law school seemed to have changed somewhat. I said, "In what particular, Chancellor?" He replied, "I remember the day when students would fail out in the school of Liberal Arts and then would say, 'We will go down and enter the law school. We understand that is a sort of a 'gravy train' down there.' " The Chancellor further said, "Now I find students coming back from the law school and they tell me they failed out there and wish to find lodgment in some other department of the University. Such a condition never obtained before." This indicates to my mind substantial growth in the law school.

I discuss these things in order that you may become a little familiar with the kind or quality of work we are doing in the school. A student can not enroll in the law school, as a regular student, unless he has to his credit at the time of enrollment at least 60 or 65 semester hours of work in a standard college, that is, one-half the work necessary to secure a bachelor's degree. This is called his pre-legal work. Sometimes a student who gives evidence to the faculty that he might make a lawyer who has not these credits is allowed to enroll as a special student, if he is twenty-three years old, has a good moral character, a good record, but he is not allowed to receive a degree. We are not different from any other state law school in that respect; all of the state law schools have precisely the pre-legal requirements I mention. Some of the great law schools of the country like Yale and Harvard require the student to have a B.A. degree before he can enroll in the law school, but most of the state law schools have the same requirement we have. It is a minimum, and not a maximum requirement. This requirement is prescribed by our acrediting agency, the Association of American Law Schools, of which we are now a member.

I was talking not long since with some one about this requirement, and the individual with whom I talked said it looked like it was a little hard to require a student before he can enroll in the state law school to complete in a standard college two years of work. This requirement is not a hardship. Most any boy or girl, if he or she tries right hard in this day and time can secure two years pre-legal training

in college. It has been charged that our accrediting agency, the Association of American Law Schools is made up of law professors from over the entire country, the idea being that law professors are not practical minded and do not see the practical side of things. I think what Judge Smith had to say just a while ago about the restatement of the law, the common law, is a tribute to the great law professors of this country, upon whom this burden is being cast, to restate the law. It conclusively shows they are legal minded. That means they have good common sense. The law school has the approval, and is given an A grade rating after inspection, by the American Bar Association, an organization composed of the greatest lawyers of this country, practical men, hard-fisted and hard-fighting fellows, in the courts and everywhere else. The American Bar Association makes exactly the same requirements and requires us to meet the same conditions that the Association of American Law Schools requires.

Now, my friends, to my mind the meeting of the requirements of these accrediting associations indicates a growth in your law school. In the days of long ago when a man could go to the law school and secure a degree in one year's work, he was not even required to have a high school education. There has been a most substantial growth in the library of the law school. The older men here now who attended the university law school remember that we had but a small and indifferent sort of library when they attended. We have 10,000 law books now. The library is growing, and we are going within the next five years to put something like $10,000.00 into new law books in order to increase the size of the library. The law school experts of the country say that the strength of any law school is based on two things, first, the faculty of the school, and, second, its library. These are two fundamental things. If you are going to have a great law school or a strong law school, you must have, of course, a capable faculty, and, in the second place, you must have a large and well-selected library.

It is our desire and hope to make the library useful to the lawyers of the state. The law building as it is now equipped enables lawyers who can reach the library to use it for research work in the preparation of briefs.

There has been another growth to which I want to call your attention. With your assistance the law school publishes the Mississippi Law Journal. To my mind a law journal is a very important factor in any law school; hence we find today that practically every state law school in the United States has a law journal. I do not know whether you ever thought of it or not; if you have not, I call your attention to it now, the great influence the law journals of this country have had upon the judicial thought of the country. I find that every state supreme court, federal court and federal supreme court, cites the law journals of this country as authority for many questions coming before them for decision. The great Harvard, Yale, Michigan, Columbia and other like law journals of this country and England have exerted a profound influence upon the judicial mind and thought of the nation. Why, it may be asked, are they exerting such an influence? The answer is obvious. These law journals carry from month to month

learned articles coming from the great law teachers, the great law thinkers of the country. They are being read and studied by the lawyers of the country. They are reaching the judges on the bench. They frequently influence the decision rendered by the court and frequently have brought about changes in the judicial thought of the Supreme Court of the United States. The truth, my friends, speaking candidly, is that the northern section of our country through these great journals and other sources, are directing and controlling the trend of juridical thought in this country.

Can we afford to lag behind and refuse to take advantage of an agency of this kind in our own law school? Of course, I know that the MISSISSIPPI LAW JOURNAL does not rank with the *Yale Law Journal* or the *Harvard Law Review,* but it can be made the medium of expression for those in our midst who are inclined to give thought to and to write articles concerning judicial matters.

In the preparation of my work for another session of the subjects I teach, I have prepared a long list of law journal articles to be submitted to my classes for parallel work, because of the fact, the student gets from these journals advanced ideas or advanced thought or new angles of thought about legal questions with which they are dealing. Their examination will include articles coming from the law journals.

With reference to the restatement of the law, the professors in the law school use these books. The professor teaching Contracts constantly uses the restatement of the law of contracts. The student becomes familiar with the differences between the restatement and the Mississippi law.

The restatement of the law on Agency came in just the other day. I placed it on the desk of the professor who teaches the subject. He will use it during the session as collateral matter.

We are now putting on a course in legal ethics. This means a growth. We expect to lay more emphasis and stress on the subject than ever in order that the young man before he goes out into the practice will have some knowledge of the fundamentals of the ethics of his profession. Quite a splendid book has just come from the press written by Professor Arant, an Alabama man, who is now Dean of the Ohio State Law School. It is the best presentation of the matter I have ever seen anywhere, and we are going to give the students the benefit of his work.

Before concluding my remarks with reference to the course in ethics, I wish to say that the law school is making an honest and earnest effort to see that the young men who go out into the practice of the profession are prepared for it, that they are competent and capable. We are making inquiry, first, into the character of the man who wants to enroll in the school of law. I do not believe a student ought to be enrolled in the law school if it is known that he does not bear a good character. Good character, as well as the necessary pre-legal work, should be a requirement of the student when he seeks to enroll. Not only this, but his previous work should give evidence to the faculty that he will make a capable lawyer when he goes out into the practice.

Through and by means of the course in legal ethics, we wish to instill

into the student's mind the essential things that go to make up a lawyer. These are a few. Sometimes a young student coming into the law school thinks if he can get up and make a big speech—and very frequently I have letters from parents or friends saying to me, "I think this man will make a good lawyer. He is a great speaker. He has won so many high school debates. He has spoken here and spoken there." Well, that may be worth something, but it is far short of being all that is necessary to make a lawyer, and it is a very small part of it. It is a good thing, of course, if he has the gift of oratory along with the essentials, but if he has just the gift of oratory it doesn't amount to a hill of beans so far as his developing into a lawyer is concerned. If along with his oratory he has a great legal mind coupled with the other essentials necessary, his success at the bar is assured.

The essentials, then, the young lawyer ought to have and ought to carry out into the profession with him; they ought to live with him from the time he enters the profession until he goes out of it by death, or otherwise. First, we try to impress upon the mind of the student that the greatest essential in the making of a lawyer and a great lawyer is character. It is the very first fundamental essential. If he has imbedded in him honesty, the common every-day principles of honesty in doing his work as a lawyer at the bar, success may be attained. If he does not possess this essential element he will never succeed in the true sense of the word as a lawyer. He may do crooked work and he may make money, but he will never rise to the heights of being a great lawyer. He may filch from his own clients or from his opponents' clients gains, because sometimes the clients, you know, when the lawyer is dishonest, suffer from having a dishonest lawyer. It always reminded me, a lawyer of this type, who will filch from his own client, of the story of Prometheus bound to the rock. It was the vulture that preyed upon him and plucked out his vitals and fed upon them. The dishonest lawyer who robs his own client is a vulture. He should be driven out of the profession. Our profession will never rise to great heights in the estimation of the public until it purges itself of unprincipled characters.

If you will couple these essentials with diligence and industry in doing his work, I do not believe you can keep a young man from succeeding at the law. He may have a hard road to travel, a rugged one, but if he has these essentials wrapped up in him, ultimately he will succeed. Character, at least average ability, diligence and industry are the essentials. These vital things it is our effort to instill into the minds of the young men going out of the law school.

Gentlemen, I hope you will make it your business to visit us at the university and the law school. It is your law school. We welcome you there. We beseech you to come and see us, see the work as it is being done. If you have any suggestions to make, make them and we will welcome them. We are making an earnest endeavor to prepare young men to go out to practice their profession in a capable way so that they will be a credit to the bar. I thank you. (Great applause).

THE PRESIDENT: The Chair is informed that Judge Everett,

one of the commissioners of the bar, has a resolution which he desires to offer at this time. Judge Everett will be recognized.

JUDGE EVERETT: Mr. President and gentlemen of the bar: Last year Judge Roberts of West Point and Mr. Jiggitts and myself were placed on a committee on the Bar Journal. Of course, we were largely guided last year in the appropriation which was—rather the recommendation that was made to the bar and which was adopted on the appropriation for the publication of the LAW JOURNAL, we were largely guided by the counsel of Mr. Roberds. Since that time, however, we have had an opportunity and have availed ourselves of that opportunity to make some personal investigation and to see whether or not the MISSISSIPPI LAW JOURNAL was worthy of the support of this body. You all, of course, know what it is.

I want to take this opportunity of saying something that Judge Kimbrough would not say lest he might be considered boasting, and I say this to the lawyers who possibly are not as familiar with the law school as I feel that I am, I want to tell you right now he has got a "darned" good law school up at Oxford. (Applause). I have had the privilege this year of having a young man in my office who has finished only his second year. He has a year yet to go, and I have seen men here and met men here who finished a one-year law school about thirty years ago at the time I did, and when we came out of that one-year law school we couldn't write an affidavit for a continuance, much less prepare the pleadings in a lawsuit. These boys that come out of the University of Mississippi today can sit down in a law office and can prepare declarations or bills and the pleas in a lawsuit as if they had been practicing for the last ten years. They get it nowhere except in the wonderful course that is being given by Judge Kimbrough and his associates, and I say that that school and that law journal is worthy of support of every man who belongs to this bar. In that connection I wish to present this resolution:

> "The Committee on the LAW JOURNAL finds and so reports to the State Bar that at the last meeting of the Bar the sum of $1,000 was set aside for the publication of the JOURNAL and $200 set aside for the purchase of articles, if necessary. The committee finds that the JOURNAL was published for the sum of $1,000 only by drastically cutting down the size of the JOURNAL, that is, greatly limiting the number of articles published, and that none of the $200 has been used for the purpose specified but is still in the hands of the treasurer of the State Bar."

May I add to that report that that $200.00 was set aside for the specific purpose of paying for articles to be published in the LAW JOURNAL, but by reason of the efforts and the good work done by them, articles have been contributed, and that money could not be used for any other purpose. Therefore, it is still in the treasury.

> "The Committee further finds that the cost of publishing the JOURNAL for another year will be materially increased by reason of the prevailing business conditions over the country."
>
> "The Committee therefore recommends that the sum of $1,200

be set aside for the publication of the JOURNAL for the incoming year, the same to be paid by the Secretary-Treasurer in installment as it is needed by those in charge of the publication upon the request of the dean of the law school."

Mr. President, I move the adoption of this report.

THE PRESIDENT: Has that received the approval of the Budget Committee?

JUDGE EVERETT: Yes, sir.

THE PRESIDENT: You have heard the motion. Is there a second?

MR. R. E. WILBOURN: I second the motion.

THE PRESIDENT: Are there any remarks? All those in favor will signify by saying Aye; contrary, No. The motion is carried.

I want to say that I most heartily endorse anything that will build up the law schools everywhere or provides a chance to learn that which otherwise you would have to absorb. I know somewhat the requirements about having a man to have an A.B. degree before he could be admitted to study law. I had been in the legislature two years before I knew that A.B. did not mean "At Bat."

The next thing which is of supreme importance to the lawyers generally, and which demands most careful consideration and study, is to be handed in by a gentleman who is thoroughly equipped to make the one and deliver the other. It is the report on Judicial Council by Judge Virgil Griffith of the Supreme Court, who will now present his report. (Applause).

JUDGE GRIFFITH: Mr. President, and My Brethren of the Mississippi State Bar: The Committee has requested me to present this report and make some preliminary explanations of it. It is not a new subject. A similar course was adopted by the old association before it came into existence as a legal body, but, because of the fact that that was all superseded by the act of the Legislature creating themselves into one body, it has all bounded back again, to be resubmitted. Now, this report, as you know, was drafted by a committee, submitted at the last session at Jackson, and allowed to remain on file for a year. You have had it in your possession. There has been a full copy of it printed in the Vicksburg *Post*. We have had some of them distributed. I suppose that every member of the Bar, or most of them, have read it. In as much as our time has elapsed, more or less, and we are a little behind now, we will not take time to read this. It would probably take fifteen or twenty minutes to read it. Those who have not read it are probably not interested in it, so we will not take the time to read it.

Now, I intended to go over the history of this in about an hour, but I have decided to cut it down to about ten minutes—five minutes maybe. About ten minutes, say. It is a long story to follow the course of this movement from the beginning in this country. I say it is not a new movement.

Now, what is this? It is simply a proposition to have an official commission of the state, just as this Bar is, to make a thorough, consistent, hard study of procedure in civil cases and draft rules for the

simplification of pleadings in the interest of economy, report it to the Supreme Court, and, upon approval by the Supreme Court, to promulgate it and put it into effect.

The question is: Why do you want a committee of that kind? Why cannot you have the legislature do it? We can give a great many answers to that; but the only answer necessary is that since 1880 they have not done it. Now, that is over fifty years. Well, they say, "Why don't you commission the Supreme Court to do it, and not have this intermediary body? It has to be drafted by the Supreme Court; why not let them do it?" The answer to that is, too, that since 1851, when the first Supreme Court in this country was given power to adopt rules, they did not do it until year before last. They will not do it. The legislature has too many other things to attend to. The Supreme Court is not going to do it. I myself am not going to do it—I will be frank with you—but I will take some rules of the Bar Association, men who have studied it but I am not going to set aside my work to work on this for two or three years. It took us two years to get this report up. We investigated all the statutes, the English rules, the New Jersey Short Practice Act, the Michigan rules; all that has been done in this country, we went into before it was submitted.

What is the object? The object is to get an effective way to accomplish what? Truth in pleading. That when you plead your case, you plead it truly. That is the whole thing; and you say that in a sentence. Our object has been that when you come into court you come before the judge and tell him what your story is; and he calls the other man in—"What is your story?" That was the origin of equity, when the King used to hear them come in and tell the story in an humble way, the other man tell his; he got the issue and decided the case. What do we have now? It is supposed to be that in equity now. The law is that you file your bill setting up the material matters upon which you expect to recover, and ask for what relief you want, special and general. The law requires you to answer that in detail, denying each specific thing alleged. What do we do? We have a section in our Code that you can waive answer under oath, and he denies everything, except probably he doesn't deny he is twenty-one years of age.

What do you do in law? You file a declaration; he files a plea of the general issue. He denies everything that is stated in the declaration, even to the venue. What do you have to do? You have to prove everything from the beginning to the end.

Is falsity in pleading any more to be justified than lying in personal life. Have I any right to lie to the judge about a case? No. We do it every day in pleading. When you file a plea of the general issue, you lie from beginning to the end. Who ever heard a lawyer advocating the proposition and standing by it today, we are going to come into court and lie from beginning to end? That is what it is. And yet we say the layman says "The first thing to do is kill all the lawyers." Why do the laymen criticise the lawyers? You go before a jury of twelve men in the best county in the State, good men, of good character, and they come in and hear Judge Truly get up and

read his declaration saying this happened, and this happened. I get up and plead what? The general issue; and I say not a thing of it happened at all. When we come in to make the statement before the jury, he makes a statement of what happened, and I get up and admit it all. I deny it, and then get up and admit it. They say, "He will not tell the truth for thirty minutes. He got up and said there wasn't anything true in it, and yet he got up in thirty minutes and said it was all true except one thing." How much time is wasted on that? Let's see what it costs to run the circuit courts of Mississippi. I am talking about, not what the State pays; I am talking about what the litigants pay, what you have to pay to bring your witnesses and put them at the hotel. I am talking about what does the circuit judge allow at the bottom of his minutes when he adjourns court. How much is it? It amounts today to eight hundred thousand dollars—nearly a million dollars. In some counties it costs over forty thousand dollars a year to run the circuit court. Why? There are three days sometimes taken up in trying a general issue that nobody disputes, but one thing. The longest record I saw in the Supreme Court was where the plaintiff sued and the only issue was whether a will involved in the chain of title conveyed a life estate or fee simple title. A circuit judge told me this morning he tried a long case, an accident policy case. The policy provided that it should not be liable unless the death happened within thirty days of the accident. The person died after thirty days from the date of the accident. They filed a plea of the general issue. The whole issue in that case was whether or not the insurance company waived the fact of the death being more than thirty days after the accident. They had to prove they had the policy; that the premium had been paid; that there was an accident; that the person got injured in the accident—there is no use going on through the balance of the story.

Now, is this an honorable profession? Do we really believe things ought to be honestly done in court, and yet, by law, permit a defendant to come in and begin to lie from the first thing he does? He lies about the whole thing. I say, there is a moral issue in it; it is an economical issue, but it is a moral issue first. Why cannot we in all the courts require a man who states his case to state it plainly, what his facts are, and let the defendant come in and say here is what I admit and here is what I deny. You say, "It has always been that way." That is one of the greatest obstacles to the progress in law—"It has always been that way." We have this attitude toward these things—the quotation here yesterday: "Deny everything, concede nothing, and speak all day." That original quotation is, I believe: "Question everything, concede nothing, and argue about it." That is our attitude: What is this—this is something new; we will question it; we are not going to agree to it; we will not concede anything; we will talk about it all day. And yet the whole proposition is: Are we going to tell the truth in court, and try the only issue before the court?

I understand some of the gentlemen are a little afraid of this thing because they are afraid this Council will change the rules of evidence and will adopt rules which will get rid of the privilege statute law,

of the law which makes a person incompetent to testify against the estate of a deceased person. I suppose all of us knew when we got our license that evidence was a part of the substantive law and not a part of the procedure. But, if there be any uneasiness about that, it is very easy to put in an amendment that it shall not change any rules of evidence.

I am going to close right now. Let me say this: I have been on various committees of the Bar Association since 1916, for seventeen years; I have never had a word personal to say before. I hope this is the last committee I will ever be on. I think somebody else ought to work on committees. I have been working on them for seventeen years. I have done this work, and it has been a pleasure to do it; I felt it was a patriotic thing. But personally I hope you will not adopt it. Why? I have been elected for a long term on the Supreme Court —whether I will live to see it out, I do not know; it will be eight more years. If you don't do this, I do not have to read all of those records. It is said that the Supreme Court doesn't read the records. I want to say to you with perfect sincerity that I have been there five years and only three cases have gone off of my desk that I did not read the whole record. If you do not want to do this, I will say to you very frankly, I do not propose to read them any further. That is very frank. Why should I wade through a whole lot of records, worry my life out reading a whole lot of stuff that nobody has disputed? Why should I read when you have a three-volume record and there is no issue on it? I am not going to do it from now on. Personally, therefore, I hope you will not do it, because it will save me a lot of labor. But as a citizen of Mississippi, who was born in Mississippi, everything I have, and everything I am as a man or anything else, is due to the people of Mississippi. As a patriotic measure, I hope this will be adopted.

We have had several meetings of this committee, and we thought we would pick out three lawyers of standing and ability representing different sections of the State, that is to say, take the northern part of the State, take the southern part of the State, and take the great delta part of the State. We did not know how they stood on his question. We ask them to come here and have something to say; and now, Mr. President, if you will pardon me, I would like to call those men, and when they are through, those who do not favor this, either because they would like to ask some questions about it, or because they oppose it in principle, I will be glad if you will ask me any questions, and if I can answer them I will do so.

This draft, as I have already told you, has been taken from the literature we have been able to examine from all over this country, including English literature. We have a vast collection of it. These Councils have been able to do work in the other states. Nineteen states are now operating under it. In about ten to fifteen other states besides those the Supreme Court has power to prescribe rules of practice. We have more than half of the states of this Union that are working under this scheme rather than by the legislature prescribing rules of practice and procedure. A great many other states have a

general code of practice. We have one state that has five volumes of a code of practice. Of course, nobody can do anything there. What would it take here under this? This leaves out criminal practice and probate practice. I can do it in twenty-five sections. I would like to make an amendment to this that none of these rules submitted by this committee or approved by the Supreme Court shall be put into effect until the lapse of two years after this Council has adopted. Two years to study this matter over. I want to suggest that amendment later. But I suggest this, Mr. President, and members of the Bar, that we might take a vote first as to whether or not the Bar favors this in principle; then, if they do, let us go back and amend it. I have two I want to offer myself. One is this: That none of these rules shall be submitted to the Supreme Court, and they shall not promulgate them, until two years after the Council has promulgated them. I believe that is all I have to say.

MR. DENT: May I ask a question? Is it not a fact that practically the same rules you want to put into effect are today and have been for a number of years in use in the equity courts?

JUDGE GRIFFITH: Oh! yes. The only difference is this: We want to make the man who files an answer swear to his answer. Let me give you an illustration. There was a case came up from the delta —I have forgotten how much was involved, but a large amount. They filed a bill to confirm title. They went ahead and deraigned the title, showed what the patent was, who conveyed it, on down through the whole list until they got down to the man who was filing the suit. Now, the issue in that case was whether or not a will in that chain of title was a will conveying the fee simple title or a life estate. They waived answer under oath. They denied everything in there, and the man had to start and prove his patent, and there were three or four volumes in that record, and the costs were six hundred and four dollars.

JUDGE TRULY: Wasn't that the Chancellor's fault?

JUDGE GRIFFITH: No. They waived answer under oath, and the defendant denied everything in the bill, denied that conveyance, denied the man ever had a deed, and the complainant had to prove the whole thing.

We suggest this: "The defensive pleadings in actions or proceedings at law shall be by answer or demurrer or both; and all the statutes and rules in respect to answer, plea and demurrer in equity shall apply to proceedings in courts of law."

And another rule here is that the common law rules of pleading and practice are abolished, and all the rules of equity are established in place of the common-law rules. That is, you go ahead and state what the case is; the defendant answers or denies; he must do it under oath.

Gentlemen, I would like to go into this further, but we are late now. Mr. Garnett, do you want to ask me something?

MR. GARNETT: I would like to reply to some of the things you said, but not by question and answer.

JUDGE GRIFFITH: We have selected Mr. Tubb from the northern district, Mr. Hall from the southern district, and Mr. Bell from the delta, if those gentlemen will take the floor.

JUDGE TRULY: The Chair will recognize Mr. Tubb.

MR. TUBB: Mr. President, and Members of the Bar: I do not know in the history of this organization that anything has come before the Bar of Mississippi of more vital importance than this proposed legislation. The credit primarily is due, first, to Dean Kimbrough, who recommended this change in his annual report at the Bar meeting at Biloxi in 1930. If you will go back and read his report, it is very largely devoted to this subject. The next year President Venable devoted a great deal of his report to this subject. However, in 1930, at Biloxi, a committee was appointed, headed by Judge Griffith, and this committee has done a great deal of work. I was not a member of that committee, but I happen to know of the great research work done by Judge Kimbrough and Judge Griffith on this subject, especially Judge Griffith. He has assembled a great deal of literature from the various states that have adopted this and have passed statutes providing for a judicial council. We have here reports from these states showing the very satisfactory manner in which the law has operated in those respective states.

In California, one of the first states to adopt it some years ago, they even took one of the judges from the Supreme Court bench, and he now devotes his entire time in the study of practice and procedure in the courts of California, and the legislature is making great appropriations, enabling the Judicial Council to carry on that work. Of course, California is a rich, progressive state, and this movement has gotten so thorough a hold on California that there is no way to turn around and back-face, so far as that state is concerned. And that is pretty generally true of all of the states that have adopted it.

Let me read you a list of those states in which today a Judicial Council exists. This is down until 1930; perhaps since then two or three others have joined the list: Ohio, Massachusetts, Maryland, Washington, Kansas, Connecticut, Rhode Island, Virginia, Kentucky, Michigan, Wisconsin, Illinois, Texas, New Jersey, North Carolina, Idaho, Utah and North Dakota.

There are ten or twelve other states, including the states of South Dakota, Nebraska, Oklahoma, Missouri, Iowa, Minnesota, Indiana, West Virginia and Vermont, in which this movement has been approved by their bar associations. So, there are practically thirty states in the Union that either now have adopted a judicial council, or are ready to adopt it, taking the ten or twelve that are ready to come in.

The great State of New York some years ago was pretty much in the fix that Great Britain was seventy-five years ago, when the British judicial acts were passed, when the courts were clogged with business and a client could not get his case through the courts except after a delay of three to five years. In New York, in 1921, they adopted a judicial act, and only this summer, in 1933, those of you who have read the *American Bar Journal* for September found a splendid article on it; that they have a practice in New York today, a pre-judgment or summary judgment proceeding, a preliminary court, so to speak, where the litigants are brought before the Bar of the Court and the plaintiff

is required to state his case and the defendant to state his defense, and it is sworn to, and the court determines whether or not there is a real defense to that action. Hundreds and thousands of cases have gone off of the docket in New York state, particularly in the large cities where the business is congested in that summary way, and the courts, therefore, are relieved of that class of litigation. The great State of New York, through its Merchants' Association, and through an association of the great lawyers appointed by the Bar, recently investigated this subject, and they recommended that the legislature of New York pass this act for the Judicial Council. I am frank to say, I do not know whether the legislature has passed an act for a Judicial Council or not, but they are looking to it, just as we are.

I want to make a little summary, and go a little further than our distinguished friend, Judge Griffith. He says the general issue denies everything. It might. But you know, in addition to the general issue, we have in Mississippi a special statute which permits us to plead inconsistent defenses. Of course, I know you lawyers are familiar with that special statute, but let me read to you what pleas in bar may be pleaded together:

> "The following pleas in bar, or any two or more of them, may be pleaded together as of course, when appropriate to the action, without leave of the court or judge, to wit: The general issue, denial of debt or contract sued on, tender in whole or in part, statute of limitations set-off, *plene administravit,* infancy, payment, accord and satisfaction, release, not guilty, a denial of plaintiff's property in the thing injured, leave and license, duress, *son assault demesne,* performance, jurisdiction in libel, slander and other actions."

That is not all:

> "And any other pleas which by law are allowed to be pleaded together."

I am not going to say that you lawyers wilfully or deliberately go into court with false issues. I don't know whether you do or not. It is a reproach upon the profession that some lawyers in this country do it. They ought not to do it, because one of the greatest principles of pleading which I was taught when I was at law school was that the pleading ought to be true; it ought to set forth the truth. But under this special act of the legislature, and under our practice of pleading today in Mississippi, what can the defendant plead to the ordinary action at law brought in our law courts? Take this, as an example: A sold to B a hay press, including a motive power to operate it. B has died and C has been appointed as his administrator. A sues C, the administrator, on the note given for that hay press and the gasoline motor to operate it. C comes in and defends. First, he files the general issue. He denies that he owes the debt. He may file these additional pleas—special pleas, or give notice under the general issue, as we generally and frequently do: First, he could plead *non est factum* —that there was no note signed. Second, he could plead infancy—that the deceased was an infant when he signed the paper, if any was

signed. He could plead duress, and he could plead insanity—that the deceased did not have sufficient mental capacity to execute the contract. He could plead breach of warranty—that the machine didn't come up to the warranty under which the instrument was sold at the time. He could plead also that the machine was worthless and no account, and was not of any value. He could plead *plene administravit*—that the estate was administered and therefore there was nothing left for him. And you can imagine how many other pleas that defendant could make.

But, you say nobody would do that. You would be surprised if you go over the country sometimes and meet with some of these pleas, which are apparently inconsistent, yet they may be consistent as far as that statute is concerned. This man could also plead payment. He could plead payment in part and tender for the rest. He could say there never was a sale but there was a loan of the property and he had returned it.

Well, now, if he has to swear to that plea, and make his answer concise, and set up just what his defense is, it would save a great deal of time, save bringing to court a large number of witnesses. And one of the things that appears in these states that have adopted this new practice act, or where the judicial council adopts rules and regulations for not only the pleadings but for practice and trial procedure, if you please, is if they plead a false defense, or if the plaintiff puts something in his declaration that is false, even though he may win as an ultimate result of the trial, then all of the costs of defending on that false issue is charged to him, and the court taxes it up against the man who brings into court the false plea.

Now, what is this act that this committee has asked us to adopt today? It is simply this, gentlemen of the Bar: That an act of the legislature be passed providing for the appointment of this judicial council, to consist of twelve men. For fear that some of you have not read this act, I want to state how those men are selected. I found to my surprise last night when I mentioned this matter to some of the prominent lawyers in attendance here that they had not read this report. There are to be two members from the Supreme Court, one chancellor, one circuit judge, and one county judge. There are five judges, and all of those five members are to be selected by the Supreme Court itself. There are then to be three practicing lawyers, the lawyers to be selected by this Bar or by the Commissioners of the Bar, one from each Supreme Court district. That makes eight members so far. Then the act provides that three other members are to be taken from the laity, the business element of the state—three business men, including one journalist, if there is one thought to be available.

You say, why take the laymen? This is why: As I understand it, we get most of our criticism generally of the bar from the laity, and these short-comings of ours, and the disappointments in the administration of justice in the courts, come to us from the laity, and we lawyers and the courts have to bear the brunt of it. So, let's take on this Judicial Council three good business men from the state, including one journalist, who will give matters publicity and carry to his pro-

fession throughout the state information as to what this judicial council is doing and attempting to do for the judicial administration in the state; that is, to make justice sure, certain and speedy, and reduce the cost of it. Those three members, the lay members, are to be appointed by the Governor. And then those eleven members so constituted meet and they select some outstanding lawyer or practitioner in the state as President, and he thereby becomes a member of the Council, thus making a Council of twelve men, made up of two Judges of the Supreme Court, one chancellor, one circuit judge, one county judge, three lawyers that this Bar would select, the the three laymen selected by the Governor, and the one that those eleven members elect as their President.

There is one amendment that I would like to suggest here. I think the Dean of the Law School of the University ought to be a member of this Council, and we ought to write it in the statute. I do not say it because Judge Kimbrough is here, but there is no man in the state who has greater interest in the progress of judicial administration than the Dean of the Law School, and I take it when he passes any other man who assumes that great responsibility would feel the same way about it. And not only that, but he is making it his constant business to study what is going on in other states, and he can bring to bear all of this valuable knowledge and accumulation of material for the benefit of this judicial council. I think he ought to be a member of this Council. We might provide some way—we have already provided for twelve, and if we add him it will make thirteen—I do not know whether any of you are superstitious or not; I am not, and it would not make any difference to me.

Judge Truly has just reminded me that the hour of adjournment is twelve, and it is now only five minutes until that time. I can conclude my remarks, I think, in that time.

I started to say that this Judicial Council will have the power to make rules. Now, these rules, as Judge Griffith stated to you are not effective until they are first adopted by this Council and approved by the Supreme Court. The Supreme Court makes its own rules now, and will make its own rules then. This Council has nothing to do with the rules of the Supreme Court, but these rules apply only to practice and procedure. They have nothing to do with substantive law, or in any way changing the rules of evidence, and, as Judge Griffith said, that can be written in here if anybody is afraid of it.

Gentlemen of the Bar, there are no snakes in this bill that I can see. I see nothing in here that anybody need be afraid of, because if you have a just cause you can obtain justice under this new procedure and practice which we propose, much more speedily perhaps, and at less cost than you would be able to get under the present practice in Mississippi. Why ought we take this action? As indicated by Judge Griffith, what has the State of Mississippi done in the way of improving pleading and practice in the law courts since 1880? We have done nothing. We have passed a few statutes like this: That make it error to come in and camouflage and befuddle the court and jury. But we have done nothing to simplify practice and procedure and administer justice to the litigant more speedily and at less expense.

I was told since I came to Vicksburg—I was a little surprised at it, for in my county we do not have the County Court system—I was told by some gentlemen who practice in the county court in one of the counties of this State that the expense of carrying a law-suit through the county court is greater than carrying that law-suit through the circuit court. I do not know why that should be. If these conditions exist, they should be corrected. It will be the business of this Judicial Council to make a survey and ferret out all of these things, and make rules and regulations to correct them. And these regulations and rules will not go into effect, even under the bill, until they have been published for better than ninety days. But Judge Griffith suggests that the rules ought not to go into effect until they have been published and given the Bar for two years. I think that is too long, but if Judge Griffith is willing to take it, it is all right.

Gentlemen of the Bar, this report ought to be approved, and a committee ought to be appointed from this Bar to go before the legislature and present it and get the legislature to adopt it. If we do not do something to speed up the administration of justice, to relieve the litigants of the exorbitant costs they are now put to, and the delay, the laymen are going to do it in some other way through the legislature. Certainly, the Bar ought to do it instead of trusting it to the legislature.

THE PRESIDENT: The hour for adjournment has arrived. Mr. Tubb will conclude his remarks at two o'clock, at which time further discussion of this very important subject will be presented to the Bar Association. Everyone desiring to discuss it will be given the opportunity. Of course, we will have to ask that the length of the speeches be somewhat restricted, as our time is running short. We will stand adjourned until two o'clock gentlemen, and on behalf of the speakers, as well as the Association and the President, may I ask you to be as prompt as you were at the banquet?

AFTERNOON SESSION

THE PRESIDENT: Gentlemen, come up in front and take seats, please. The convention will be in order.

MR. DENT: Mr. President, we are working on limited time and, if I am in order, I move that each speaker on the question now before us be confined to fifteen minutes.

THE PRESIDENT: I do not think we will have fifteen minutes. Make it ten minutes.

MR. DENT: I will accept that.

THE PRESIDENT: You have heard the motion; is there a second.

MR. STOVALL: I second the motion.

THE PRESIDENT: All those who speak on the question of the Judicial Council will be restricted and held down to ten minutes.

MR. DENT: I move that we give Mr. Tubb ten minutes longer, if he wants it.

THE PRESIDENT: Mr. Tubb has not finished. He may go on, if he wants to. Mr. Tubb has the floor.

MR. TUBB: Mr. President, and Gentlemen of the Bar: Let me say this, in addition, and I will confine myself to only a few minutes. I know we are speaking against time. This is so important, as I think, to the Bar, that we ought not to put it off because somebody may say, "I have not read this act; I have not read this report." Why have you not read it? Judge Griffiith made this report first to the Bar Association two years ago. It was carried over to another year, and at the 1932 session at Jackson the complete report was made, which included a copy of this act which it is now proposed to adopt and ask the legislature to pass, with the specific statement that the committee did not desire action of the bar at that meeting a year ago, but that the publication would come out in the proceedings of the Mississippi Bar Association at the approaching publication of the LAW JOURNAL. It was published in the November, 1932, issue of the LAW JOURNAL.

Now, I am not complaining at any of you who may not have read that act, but it has been there since November, 1932, and all of us have had an opportunity to read it and study it. It was read, as you recall, a year ago at Jackson.

Another thing, gentlemen: Let us hear nobody say that this act is not constitutional, because the legislature would be derogating to the Supreme Court and this Council the power to enact laws. It has already been settled by the Supreme Court of Mississippi in the case of International Shoe Company against Golfinkle which went up from Bolivar County, where there came in question the right of the chancellors and circuit judges to meet and make rules and regulations. The Supreme Court said that was not a derogation of the legislative rights in such way as to make the law unconstitutional.

These acts, gentlemen of the Bar, have been called in question in a number of the states, in California, in Colorado, in Wisconsin, and in a number of the other states, including Kentucky, and they have all been held to be constitutional, and there is no use for us to dilly-dally any time in argument of that proposition. There is no infringement upon the Constitution; it is simply a question of whether or not we want to improve the practice and procedure in the lower courts in civil cases in Mississippi.

After dilly-dallying for some fifty or sixty years, a committee of this Association, of which I have the honor to be one, recommended to the Bar a new chancery court practice act. There were members of the Bar then who thought there was nothing new under the sun; they were against making any change; they wanted to hold to the old procedure. The Bar recommended the change; the legislature made the change. What is the result? The chancery court procedure is speeded up and simplified, and today we have a far better system than we had before; and I take it that practically all of the lawyers of Mississippi concede that was a splendid movement. You will concede it in this case, in my judgment, if you will vote for it; and in the interest of the administration of justice in the courts in Mississippi, we ask that you support this movement.

I move, Mr. President, that the Committee's report as submitted by Judge Griffith be adopted.

THE PRESIDENT: If the Association makes no objection, we will allow the proponents of the measure to first speak, with the members who assisted Judge Griffith, and then the debate will be open. I am requested to ask Mr. Hall to next present his views.

MR. L. D. HALL: Mr. President, and Gentlemen of the Mississippi Bar: This is a new matter to a great many of you. As it has been pointed out, this proposition was printed in the LAW JOURNAL last November. If you have not studied it, it is your own fault. You should have studied it. Since I have arrived here, I have heard a little criticism directed against this proposed Judicial Council. This criticism has come from fellows who are usually on the same side of the docket that I am on, that is, on the plaintiffs' side. They seem to be apprehensive that there is some danger that the plaintiffs in damage suits will lose some rights.

Now, the only change made in this proposed Judicial Council is in reference to practice and procedure, and it specifically states that there shall be no change in the substantive law by the Judicial Council, so that your rights as plaintiffs will not be affected but only the procedure will be affected. We have a county down in our district where the civil docket is congested all the time. There are anywhere from fifty to seventy-five cases carried over from every term of court. I have been in the trial of cases in that county that consumed three, four and five days, and the greater portion of that time was taken up in offering evidence on matters that were really not in dispute; yet by the plea of the general issue the allegations of the declaration were denied and it was incumbent on the plaintiff to bring in his witnesses there at great expense in order to prove these facts that really were not in dispute at the trial.

I have never had any actual contact with the practice in a state where the Judicial Council has been in vogue. I will say this, that I have had contact with the courts of Louisiana in the trial of cases under the workman's compensation law of the state of Louisiana. Don't any of you fellows get apprehensive that I am going to recommend a workman's compensation law because that is the farthest thing from my mind. They do not have a judicial Council in Louisiana, but they do have simplified practice in the trial of compensation cases. You go into court in a compensation case and you file your petition, which is similar to a bill of complaint in chancery. You set up the fact to be that the man was employed by the company; that in the course of his employment it became his duty to work at a certain place; that while engaged in the performance of his duties he received certain injuries; that he died as a result of those injuries, and that that death was caused and arose out of the employment. Then you allege his wages, and finally you allege that the plaintiff in the case was actually dependent upon the deceased. It is necessary under the compensation law to prove dependency before you can recover, and in a number of cases with which I have been connected in the State of Louisiana, the lawyers there respect this rule, that they must plead facts and not plead falsity, and in answering your petition they are required to answer each and every allegation. The result is they will

admit the fact of the employment; they will admit the fact that the man received his injuries in the course of the employment; they will admit the fact as to the wages he was receiving; and you get your case narrowed down to the sole and only issue as to whether or not the plaintiff in your case was dependent upon the deceased. And you can go there and try one of those cases in the course of a couple of hours by carrying three or four witnesses with you.

Let me say to you, I have had a case in the State of Louisiana—pardon this personal reference, I am only trying to give you my experience—I have had a case down there, a considerable distance from where I live, though I live in a county that borders on the State of Louisiana, where a man was killed away over in the western part of the State, which would have been expensive to the plaintiff, and would have been expensive to the plaintiff's attorneys, to go and make a thorough investigation of the facts and circumstances surrounding the death of the man in question. But when we file the petition in court and the company files the answer, we find that we have only one issue, that is, whether or not the plaintiffs were dependent upon the man, and the whole thing is simplified to the point where that is the only issue on which you have to put on any proof.

Now, we have not been honest with ourselves in the administration of our equity practice in the State of Mississippi. As has been pointed out here, we go into a court with a bill of complaint, the other fellow comes in and answers the bill of complaint; we deny everything; we deny what we know is the truth, and the proposition is, we ought to be honest with ourselves, honest with our opponents, our adversaries. There is a provision in this bill to the effect that if you deny an allegation set out in the bill of complaint and have no reasonable basis for that denial, and if upon trial you do not create any issue of fact upon the proposition, then you are penalized to this extent: Whether you win your case or lose it, you are penalized to the extent that you must pay the expenses to the opposing party of bringing witnesses to meet that issue. That appeals to me as being fair and just, and as far as I am concerned in 99 out of every 100 cases being on the plaintiff's side of the docket, I say that I cannot see the objections to this act that some of my good friends here have stated to me since I reached Vicksburg that they do see. If they can show me any snakes in the bill, so to speak, then I am willing to oppose the bill. But I have given it considerable thought and I have given it considerable study, and I cannot to save the life of me see the objections in it that some of my good friends here have been raising. Therefore, I favor the adoption of this resolution which would submit the bill to the legislature with the recommendation of the Mississippi State Bar. I thank you.

THE PRESIDENT: Under the ten-minute time limit, the debate is open. We will hear from Mr. Bell.

MR. BELL: Mr. President, and Gentlemen of the Mississippi State Bar: Our organization has accomplished in the past months some very difficult tasks. The re-organization of the Mississippi State Bar presented a problem to us which was handled magnificently. We had

trouble with our Law School in having the reinstatement of its former high rating. That has been accomplished. The lawyers have worked hard, with the cooperation of those who were in charge of each particular duty.

We are now confronted with the adoption of a Judicial Council Act, with the recommendation of this organization to the legislature that it be made a part of our statutes. That presents not such a great novation in legal ideas, because as you have heard this morning it has been adopted in some twenty states. There are some ten states which are in the same position we are in, submitting a proposed act for adoption. There is only one way, as I see it, to look at this proposition. We are business men, as any other man engaged in the pursuit of his profession, or his calling, or his trade. We must look at it from this standpoint. It seems the accomplishment of a great work. The courts, after all, are the biggest business of any organization, because finally through the courts pass all of the rights and liberties of all of our people, and that is the final adjudication of our status, either in personam or in property. Therefore, that one particular thing should not be overlooked, that it ought to be handled like a business.

We must admit, whether we like to or not, that we have been criticised greatly, first, on account of delay, and next, on account of cost. Then the two features in support of this bill are, first, that it is in keeping with the President's "New Deal," in that it is in the spirit of the times to effect economy, and, next, that it saves time. People who submit their causes to the courts have become a little bit tired of the long delays, and we see boards of arbitration arising everywhere. Why? Not because they are unwilling, but they do not want to go through the long delay of a lawsuit.

Now, we are presented with an act here that will in itself make a great stride towards the bringing about of economy in lawsuits and the saving of time, because after all that is what we are hired for, to accomplish the lawful purposes which our clients have asked us to do. Therefore, if this act seeks at economy, as it does, saves cost, as you have heard, in testimony in the elimination of voluminous records, if it saves time, it will be beneficial to us as a business proposition, as well as most satisfactory to those who come into court. And I may say that the young men, the young lawyers, so far as I know, are interested in its adoption. It is not a great big new thing; it is not something that we have never heard of before. After all, it is a centering of the place and time and naming of men who form our rules. It strikes me that it is most unusual that we have now no machinery at all for making notes, suggestions or arrangements of any kind about having a better legal business. You have a legislature, it is true, but you have heard that it took some forty-eight years to even change our chancery practice. Therefore, this Judicial Council sits there, they observe, they take notes, they make recommendations, and you must admit that somebody who has his eye on that particular part, some one who is there working for that particular end, an experienced lawyer, judges and laymen, you will see then you are bound to have some recommendations that will come out beneficial to everybody. Let's try this

act. The Eighteenth Amendment is about to be repealed. If we don't like it, take it off. Let's see what it is; let's see if it will not be beneficial to us, because we must recognize that the speedy and effectual administration of justice is, after all, the highest duty of a lawyer to his country; and we must admit, as has been stated here, that it is expensive to go into long and tedious trials when the issues are not involved. This act, in which is incorporated the short practice act, will set up for the lawyers of this state a chance to have more complete justice for a much less cost, and save a great deal of time.

Of course, this act is not going to bring about any miraculous transformation, but it is going to be worked out, and, as Judge Griffith says, it will be very carefully, that these people not go into any rapid changes—I believe he said two years before anything is done—a studious and careful investigation by this committee, this Council, who are experts in their lines, and let them make such recommendations as are bound to be beneficial to the bar.

In all earnestness, I urge that this Association go on record as endorsing this bill, so that the legislature will give us this Council to help us solve the legal problems and to effectually agree on the administration of justice.

THE PRESIDENT: The members in opposition will now be recognized to the extent of four.

MR. GARNETT: Mr. President, and Gentlemen: I am opposed to this proposition in all of its parts and parcels. In the mania for change, which is the most noticeable characteristic of this time, I realize that those who stand in opposition to any proposition are likely to find themselves in the minority.

When I was young and venturesome I spent five years in Texas trying to be a lawyer. I didn't accomplish very much, but I looked and listened a great deal. At the beginning of Texas history, Texas put into her constitution that the common law system of pleading should never be a part of the jurisprudence of Texas, but that all pleadings should be after the manner of the civil law, by petition and answer; and since she came into the Union as a state her pleadings have been after the manner of the civil law, by petition and answer, and that is what you have in the chancery court, and that is what is offered here as a substitute for the pleadings of the common law.

After five years in Texas, I concluded that they had developed a system of pleadings which was quite as complex, quite as intricate, quite as difficult to follow and apply, as anything that Stevens and Chitty ever conceived. And today Texas is making the same complaint which these judicial reformers are making.

I have a classmate who has practiced for thirty years at Dallas, Texas, and he is there rated as a successful and able lawyer. A few years ago he published an article in one of the Dallas papers and sent me a copy of it. He told me in a letter that he had received many expressions of approval from members of the bench and bar of Texas. Now, I am going to read you just briefly from my friend and classmate's statement after thirty years in Texas.

He said: "We have about one hundred and thirty district courts;

some extra criminal courts in the larger counties, a court of criminal appeals, a commission on appeals, a vast machinery set up by these courts, exceedingly cumbersome, worn rusty, and almost ready to collapse under its own weight. A lawyer of average ability representing either a plaintiff or defendant in a civil suit can keep that suit in court, regardless of its merits, for a period of several years. This is especially true of the litigation originating in our larger counties, where the dockets are greatly congested." And he adds: "The trouble lies in the system of our courts and court procedure. Even without a constitutional amendment, our court system can be reorganized and coordinated, so as to make it a working system."

And that is the identical criticism we hear made of our own courts, and it comes from a state whose lawyers have never had their minds polluted, by the precise expression and the logical arrangement of common law pleading.

And so, if there, without ever having common law pleading, they are complaining of the very things of which your committee here complains, then it necessarily follows that your doctors of reform are mistaken both as to the diagnosis and the remedy; and if mistaken as to the diagnosis and remedy, you will not get a cure out of this bill.

There is another feature. I find that that Texas system, following the fashion of the civil law, by petition and answer, had made a desperate effort to get away from the common law pleading. When I struck the expression "first supplemental plea," or "first supplemental petition," it confused me. I thought it must be some sort of addition to the original petition. But when I studied it closely, I found that the "first supplemental petition" was no more or less than a common law replication to the affirmative matter set up in the pleading of the defendant. And then I was confused by the "first supplemental answer." I thought that was some sort of addition to the preceding answer. But when I studied it, I found it was no more than a common law rejoinder, either denying, or confessing and avoiding, the matter set up in the first supplemental petition.

And then I concluded that I heard the greatest teacher, under whom I studied, Professor Bogel of the University of Michigan, say the principle of common law pleading had grown out of the structure of the human mind, and that it could not be abolished while the human mind retains its present structure.

What is the basic purpose of common law pleading? To develop an issue. What is an issue? Mr. Stevens stated the proposition: "Affirmed on one side and denied on the other," and by their mutual allegations and denials the parties are finally brought to an issue of law for the court, or an issue of fact for the jury. No better system for a jury trial has yet been conceived.

The chancery pleading offered as a substitute has come to us from the civil law of the Romans.

THE PRESIDENT: The speaker's time is up.

MR. REILEY: Mr. President, and Members of the Mississippi Bar: It is with a great deal of reluctance that I rise to oppose this resolution. It is championed by one who has given largely and un-

selfishly of his time and great ability to the interests of the Mississippi Bar and the interests of the law, and it is only because I am firmly convinced that it would be a grave mistake to have the legislation enacted which is intended that I make bold to raise my voice against his judgment and those who agree with him. Experience has taught me that whether we deal with men, or whether we deal with lawyers or jurists, the most effective way to deal is to deal in the open, in all candor.

I am opposed to this measure for more reasons than one. I am opposed to it, first, because if this measure prevails, then the Supreme Court of the State of Mississippi will appoint men who will deal with pleading and practice and procedure, and, when approved by the Supreme Court, will have the effect of statutes. I am unwilling to trust that power to the Supreme Court, or any other bunch of men. (Applause).

If the Supreme Court would always be constituted as it is today, we might do it. (Applause). But the members of the Supreme Court are human. If I were on the Supreme Bench—a calamity which will never happen, and nobody realizes it more than I do—but if I were, and went to select a commissioner, I would select a friend of Reiley's, provided I thought him competent and thought him honest, and the man who thought as Reiley thought would not have any trouble making me believe he was competent and honest. And when the members of the Supreme Court go to select the gentlemen who are going to constitute this commission, they are going to select men whom they believe to be honest and competent, but, after all, men who are of their way of thinking, and that is going to be the effect of it, when they get through with it, and all is said and done, their judgments and their conclusions will have the effect of law. I think that is dangerous, gentlemen, not as the Court is constituted today, possibly, but who can pull aside the veil and see who will be on that bench ten or twenty years from now? I am opposed to any law that invests the power of legislation in any body of men except the legislature of the State of Mississippi. (Applause).

I am opposed to it for another reason: Because the idea is all wrong when you think litigants want to do what is right. (Applause). Nine lawsuits out of ten are brought because the plaintiff wants to get something he is not entitled to or the defendant is trying to escape paying something he justly owes. I make my living trying lawsuits; I have been doing it thirty years, and experience has taught me that whenever two men want to do what is right they don't have to go to law; and the best and safest way to have truth triumphant is not always by letting the man who is trying to escape the payment of an honest debt know exactly how you are going to make him pay for it. (Laughter). I have been at this game too long.

Another thing: This bill provides here—and let some fellow call me demagogue, it is all right—but you know and I know the more powerful litigants in this country are men who are trying to escape the payment of their just debts. Frequently it is due to the fact that somebody is trying to get more from them than they owe; but the

more powerful litigants are the men who are not willing to come up to the lick-log and say, "I owe, but I don't agree with my adversary on how much I owe," and therefore I will hire the best lawyer I can and say I owe him nothing, and beat him if I can." We want to be honest about it. You know that is the cause of most of the litigation in this country. When you bear that in mind, you have got to remember that that class of litigants have the more skilled, the more able lawyers representing them.

Let me call your attention to this one little provision in there:

> "At any state of a trial the court may require counsel to state orally, and make the same of record in the court reporter's notes, what matters are not actually disputed, and may proceed by deciding any question of law arising on admitted facts . . ."

He can call on the lawyers any time to state what you admit or deny. A man without means is very probably in court with an inexperienced lawyer who is unable to cope with a skillful lawyer on the other side. He will frequently admit himself out of court. The object of a lawsuit is to have truth and justice prevail; and that is a dangerous proposition, if you please.

I oppose this bill with a great deal of reluctance, but I oppose it because I think it fraught with peril, and I think it would be a great mistake to have it passed. My deep regard for the very distinguished gentlemen who champion it makes it very hard for me to express my feelings about it, but it is my conviction about this matter that if you pass this bill, then matters of procedure, of pleading and practice, are gone from the legislature into the hands of a bunch of men; and I think that is dangerous, and I am opposed to it. I thank you.

THE PRESIDENT: Are there any others who desire to be heard on this subject?

MR. C. B. CAMERON: Mr. President, Ladies and Gentlemen: Coming from the same town and county as my good friend Reiley, I assure you this is no conspiracy between Reiley and me. He happens to be on the right side of cases many times and I happen to be, according to his notion, on the wrong side sometimes. I have had an idea, gentlemen, that in the presentation of this bill—and I still retain that idea—these gentlemen who have formulated it, and who have spent their time and energy in submitting this matter to this Association, are entirely sincere in their desire to see that our courts speed up justice; I have no idea that they have any other notion about this matter than to be perfectly sincere.

I am against this proposed bill for several reasons. I call your particular attention to this fact at this hour, that the proponents of this particular suggestion have stated in convention assembled that we do not propose for this legislation to become effective until two years shall have expired. It has been suggested that these two years should be utilized by the Bar Association in determining the extent of this bill and offering certain criticisms and suggested amendments. If that suggestion is in the minds of the proponents of the bill, I respectfully submit to you here and now that there are quite a number here who

are not in a position to cast an affirmative vote, nor are they in a position to cast a negative vote. In other words, we are in this attitude: If we are not altogether certain about whether this measure should prevail, then why at this session of the Convention should we commit ourselves to it?

So far as I am concerned, I am against any definite action, any conclusive action, on the part of the Association today on this matter. I entertain this idea about it, that this Association is indebted to these gentlemen who have formulated these plans and made these suggestions to us. They deserve a more sincere, earnest and speedy action on the part of this Association than we individual members have accorded them. I think this Association here today should accept the sincere desire of these gentlemen to speed up litigation and the attainment of justice. I think we should recognize their earnest desire, and I think the proper way to give them that assurance is for this Convention and each individual here to re-commit himself to the proposition and resolve that between now and the next annual session of this Association we come back here with a thorough idea as to what we are called upon to do and then cast your vote, and if I am in order I move that this proposed legislation be referred to your incoming board of commissioners, with request that they report such necessary amendments if any, and such necessary criticisms, if any, and such formal conclusive action be taken by the Convention at the next annual session on this report.

THE PRESIDENT: As a substitute for the motion by Mr. Tubb, Mr. Cameron moves that this matter be re-committed to the incoming board of commissioners and that they report the matter back again at the next annual meeting of the Association, with such recommendations as they think advisable. Is there a second to that motion?

MR. WALL: I second the motion.

THE PRESIDENT: Shall the motion now be submitted? Is there a move for the previous question?

MR. GUICE: I move the previous question, Mr. President.

THE PRESIDENT: All in favor of the previous question will say AYE; those opposed NO. The previous question is ordered. Shall Mr. Cameron's motion be adopted and the matters referred to the incoming board of commissioners? Those in favor will say AYE; those opposed NO. The motion is carried, and the proposition is re-submitted.

The Chair will make this suggestion to the new commission, and I ask your attention while I make this statement—my voice is weak and my spirit timid.

This proposition submitted proposes the Board of Governors—I can use no other word, unless I use the word "Dictators"—the board of governors or dictators shall consist of so many lawyers and so many other people. It says it shall consist of one editor. I am opposed to editors instructing lawyers. (Applause). This bill goes further and says it must consist of three laity, or whatever the word may be. I have for many years had the privilege and the duty of representing the rich and powerful and defending the poor. I do not want any man

who is in charge of a great manufacturing corporation to be put on a committee to formulate laws for the protection of the public. (Applause). Not only that. It takes three. I don't want any man who is interested in building hotels, or bridges, or other things of that kind, to pass upon the law of what his liability shall be, or how it shall be determined; and I do not want any industrial chief to dictate to the lawyers that he knows more about the practice of the law or the instincts of justice than do the lawyers themselves. (Applause). With every possible regard for the gentlemen who believe in abolishing the rules of practice, as the rules of pleading have already been—but this is assigned to the board of commissioners, and we will now proceed.

MR. BOYETT: Mr. President, a resolution.

THE PRESIDENT: Present the resolution to the Secretary so it can be read.

RESOLUTION

Being conscious of the national crisis and with a desire to serve our country at this time and without the purpose of retarding but rather the humble purpose of serving the general welfare of the State of Mississippi and the nation;

And whereas we are in full accord with the President's efforts to bring our country out of the present chaotic condition and to further his effort we hereby direct that the following telegram be sent to the President of the United States:

To President Franklin D. Roosevelt:

"The Mississippi State Bar is now in session and we as a body and individually want you to know that the Members of the Mississippi State Bar are in full accord with your National Recovery Act."

Secy.

Therefore we do adopt the foregoing.

THE PRESIDENT: Shall that resolution be adopted?

MR. C. B. CAMERON: I offer the amendment that this Association promise one hundred per cent co-operation.

THE PRESIDENT: It is moved that this Association of the leaders of thought of the State of Mississippi, as they always are, in time of peace, in time of war, in time of plenty, in time of depression, the lawyers of the State, pledge their one hundred per cent co-operation to the President of the United States. Those in favor will rise. The resolution is unanimously adopted.

THE SECRETARY: We have another resolution by Mr. Greaves, of Canton, as follows:

Without committing itself either for or against the ratification of the Twenty-First Amendment to the Constitution of the United States, the Bar Association of the State of Mississippi respectfully urges upon the Governor to call the Legislature in extraordinary session for the purpose of calling an election to elect delegates to a convention, for the purpose of ratifying or rejecting the Twenty-first Amendment to the Constitution of the United

States. It is due the voters of the State of Mississippi and the Democratic Party that this question be submitted to the voters of the State of Mississippi for their approval or disapproval.

MR. GREAVES: That is a part of the National Democratic Platform and we are committed to it. I think the people ought to have an opportunity to say.

MR. ELLIS: I move to table the resolution.

THE PRESIDENT: Are we not approaching upon politics in this matter, and should we not keep clear of getting into the maelstrom of partisanship? Will you insist upon the resolution?

MR. GARNETT: Let's not get in politics in this Bar Association. I raise the point of order that we do not want to get into a political discussion in this Bar Association.

THE PRESIDENT: Will the resolution be withdrawn and forestall the motion to table the resolution?

MR. GREAVES: I move the adoption of the resolution.

MR. FORMAN: I move the resolution be tabled.

THE PRESIDENT: The point of order must be overruled; the President has no authority to decide what may be brought before the Association. The resolution has been offered, and the amendments are so numerous, I don't know whether this is woman suffrage or not; I don't want to get mixed up on that. I am assuming, however, it is something else. All in favor of the motion to table will signify it by saying AYE; those opposed will say NO. The resolution is tabled.

I want to submit that in pledging the co-operation and support of the State Bar to the efforts of the President we are, I am sure unintentionally, overlooking the praiseworthy effort, the enthusiastic support, and the great assistance which has been given the Bar of the State and the people of the State at this Convention by the Honorable B. P. Harrison. Some reference should be made, I submit, to his services in this matter. (Applause).

We will now proceed to do what?

THE SECRETARY: I know what they want to do.

THE PRESIDENT: They are not going to do it. This is a very important matter which has been about crowded out, the Progress of the Mississippi State Bar, by Judge W. W. Venable.

JUDGE VENABLE: Gentlemen of the State Bar: I did not know that I was on the program until the day before leaving for Vicksburg, and did not know officially that I was on the program until I reached Vicksburg and was given a printed copy of the program.

My subject is rather a broad one, the "Progress of the Mississippi State Bar." I hardly know whether I was to speak on the progress that has been made during the past year, which is the life of our new organization, or whether I am to speak about the progress which I hope, and we all hope, will be made in the future.

You gentlemen are acquainted with the activities of the State Bar during the past year. Back behind our organization is a certain philosophy that, in my judgment, defines its aims and gives clear and distinct definition to its work and to its purposes.

As I look at this audience I see before me the only hope of the

people of this great state to obtain justice. By virtue of the very character of their work, there is committed to the lawyers of a state, and of our state, the task of administering the judicial department of government. The thing that distinguishes a profession from a trade is the element of service which is inherent in the work of the profession. The thing that is most emphasized in the life of the lawyer by the very nature of his activities is the fact that he is a public servant; that on him depends whether or not there shall be justice in the world. Courts and lawyers and judicial machinery exist solely and alone for one purpose, which constitutes the justification for their expense; the whole object of a trial is that the sovereign may know the truth, in order that it can administer justice under the law. Whenever, from any cause, the truth is not ascertained; whenever, from any cause, the applicable rule of law is not applied to the truth as it is, however faithfully the external forms have been observed, there has been a miscarriage of justice, and a citizen goes away without receiving from his sovereign his due need of justice under the law. Certainly, then, if there is committed to us by the very nature of our work the responsibility of administering the judicial department of government, if the men, women and children of Mississippi are dependent upon our good faith, our learning, our character, our courage, for the equality of justice which they are to receive, certainly there is imposed upon the lawyers an ethical obligation as strong as their duties are wide, and as severe in their demands as the necessities of justice demand. So that, anything that perverts the truth, anything of inefficiency, anything that fails to determine most accurately the truth in order that the sovereign may apply the law is wrong in theory and is absolutely inexcusable in practice.

If what I say be true, there rests upon the Bar of Mississippi, and upon us, the continuous and continuing duty of molding and fashioning our courts and our procedure so that they shall become more and more efficient all of the time. And the progress of the Mississippi Bar, and the only progress which it can make under its ethical and patriotic duty to the people, is the progress which comes about by their steady advance in the improvement of the administration of justice, which comes about by moulding and fashioning the courts, the pleading, the practice, the procedure, so that justice is furnished most, at the least cost, and in the shortest length of time. That is the work of the Bar; that is the progress which we will make.

Anything which looks to the improvement of the members of the Bar, which promotes their intellectual and legal equipment, which strengthens their moral characters, anything which gives them courage to battle for the right as they see it, anything which makes the courts more efficient, anything which serves the purpose of developing truth most accurately, all lie within the province of the work of this organization. Under the Bar Act that is committed to us.

The lawyers of Mississippi have openly and frankly taken upon themselves the responsibility for the administration of justice in this State—no light responsibility. Are we then to say—how can we progress except by taking up the specific tasks of improvement, except

by studying the problems and finding the answers, except by recommending to the legislature those things that in our judgment would make for the improvements sought to be obtained?

Gentlemen have said that these things ought not to be left to the Bar, these things ought to be reserved to the legislature. In part they must be. But, personally, I would like to see the lawyers of this State, thoroughly aroused to their opportunities, solemnly and fearlessly address themselves to the task in the discharge of our duties; I would like to see this organization have committees busily engaged in studying problems of the courts, of practice and procedure; I would like to see this organization undertake to simplify procedure. I reverence the past. Much of the law that we have is the result of human experiences—concrete experiences of a thousand years of living. Law is not the product of logic; it is the product of life. For that reason, a system that would fit the life of one age and period is not capacitated to fit the life of another, because as life changes so much the law changes; as conditions change so the law must change, if it is going to serve humanity. The problem is, preserving all that is wise in the past, discard that which has become inapplicable and unwise; progress as the life of the people progress, and that is a normal process of the law.

Almost your entire body of law of torts has grown up in the last fifty years. Fifty years ago you could not find a respectable treatise on the subject of torts. The substantive law grows constantly to meet new conditions under the guise of judicial decision. There is constantly going on what is, as a matter of fact, judicial legislation, in order to mold and fashion the law to the changing phases of the lives of the people. Our progress will be proportionate to how clearly we grasp the moral obligations of the situation, how keenly we realize the responsibility that is imposed upon us as members of the Bar; we will progress only in proportion as we have the energy to do the patriotic work necessary to bring about needed changes and reforms; and the progress will not be ended and the journey will not be done until the Bar of Mississippi gives to the people of Mississippi as fine a system of courts, as perfect an administration of justice as is found in any jurisdiction under the sun. (Applause).

We should not set our goal at anything less; we should not take any smaller task. To do so is to fail in the patriotic service that the lawyer must needs render to the men, women and children of our commonwealth, who have committed to them the operation of one of the great co-ordinate departments of government. I thank you. (Applause).

THE PRESIDENT: The next duty devolving upon the Bar Association is the election of the Commissioners from the different districts. These commissioners are practically the executive and law-making departments of the Association. I would be neglectful if an opportunity did not at this time refer with appreciation to the cordial co-operation which the present Board of Commissioners have rendered to the President of the Association. I took occasion in my address to the Association, and I again take pleasure in recommending them for the ensuing

administration, but allowance should be made by the Commission for sufficient to compensate for postage, stationery and stenographic work which is entailed upon the complaint commissioner and also upon your incoming President. I travel on an expense account, and it didn't make any difference. But you want to do what is fair with them as to stationery, stenographic work and postage. It amounts to no inconsiderable sum. Mr. McFarland, of Aberdeen, is the present complaint commissioner, and there is no man in this Association who can raise his voice and say he has not been fair, impartial, diligent and active.

The Secretary will tell you the location on the floor where the different districts are to meet. As you separate into districts, each district will elect a chairman and then count the ballots.

(The Convention divided into seventeen districts and the following persons were elected as Commissioners:)

District 1—Ben H. McFarland
District 2—Bidwell Adam
District 3—R. C. Stovall
District 4—Judge Frank Everett
District 5—D. E. Crawley
District 6—E. C. Bramlette
District 7—Louis M. Jiggitts
District 8—C. E. Johnson
District 9—R. M. Kelly
District 10—Marion W. Reiley
District 11—W. W. Venable
District 12—George W. Currie
District 13—E. L. Dent
District 14—M. S. McNeil
District 15—Lee D. Hall
District 16—No election
District 17—John W. Kyle

THE PRESIDENT: The next thing in order is the election by the Bar Association of three delegates to attend the next annual meeting of the American Bar Association. Who will you send?

MR. CAMERON: I nominate the Honorable W. W. Venable.

JUDGE D. M. MILLER: I want to nominate Mr. W. S. Henley, one of the ablest young lawyers in Mississippi.

MR. CONN: I nominate Honorable James Cassidy, of Brookhaven.

THE PRESIDENT: Are there any other nominations?

On motion, duly seconded and carried, the nominations were closed, and Hon. W. W. Venable, Hon. W. S. Henley and Hon. James W. Cassidy were declared elected.

THE PRESIDENT. The next thing in order is the election of a President and Vice President. How will you vote, by ballot or otherwise. The law requires a ballot, unless it is otherwise ordered. Nominations are now in order.

MR. ENGLE: Will the election of President be made before the nominations for Vice President?

MR. YEAGER: I move that we elect our President by *viva voce* vote.

The motion was duly seconded.

THE PRESIDENT: You have heard that motion. All in favor of that motion, which is to elect by *viva voce* without ballot will stand so you can be counted. All opposed will stand and be counted. We will elect by ballot. Parties desiring to nominate will have five minutes.

THE SECRETARY: While they are moving around, I will announce the result of the ballots from the Sixteenth District: W. G. Roberds 6, C. L. Garnett 5, L. P. Spinks 1, J. A. Caradine 1. No one has a majority.

MR. FLOWERS: There is no election in the Sixteenth District, and the old commissioner holds over until his successor is elected and qualified.

THE PRESIDENT: That matter will be referred to the Commission or President; I don't know enough law to decide it. Nominations are in order for President.

MR. REILEY: Mr. President, and Members of the Mississippi Bar: We are proud of the Mississippi Bar, we are proud of its history. For the last one hundred years, throughout the width and breadth of this country, the Mississippi lawyer has made his appearance. Wherever he has been he has been remembered as a skillful lawyer and advocate, a learned lawyer, a gallant gentleman. Such is the history of the Mississippi lawyer.

At the last meeting of this Association, in Jackson, we very properly elected the distinguished gentleman who presides. (Applause). There is one thing about the man that has always appealed to me, if you will pardon the reference. Bizet wrote the opera "Carmen." You remember the story, where the Gypsy girl, having deceived the English officer and tired of him, thrust him aside and has fled to the scene of the bull ring. Waiting outside for her lover, walking before the tent singing her sweet aria in the light fantastic way characteristic of the Gypsy, he finds her there, and after persuading her to go with him and she having spurned him, he buries the dagger deep in her heart, and as he pulls it out and the warm blood drips off in the dust, she says, "You have killed Jose, but my soul is free." That is why I have always loved Jeff Truly. His soul is free, and always has been. (Great applause).

We are very fortunate in having in this Association a contemporary of his, one who has practiced before this Bar and honored this Bar for something like forty-odd years, possibly fifty years. Born in 1861, at the early age of twenty-eight he had made such advancement as to justify the Governor of this great State in appointing him to the Supreme Bench of the State. There his decisions were marked with unusual ability. A student of the law, a firm believer in the organic law of the land, his decisions will always be remembered as among those beneficial to the lawyers who seek the true foundations upon which the rights of the people rest. I refer to no other than the Honorable James Houston Price of Pike County. (Applause).

I would remind you, my friends, that we get the value of a man's life, not from any one act, not from any one thing that he does, but rather from his life as a whole. As we look back over his life, that man was born in 1861; he is strong and robust today; he has walked the modest way; he has never sought appointment, and never sought office at the hands of the people during all that time.

Somebody wrote a song entitled "Homing." I heard a South African sing it once and it has run in my blood ever since. It says, "All things

come home at eventide, like stars that are weary of their roaming." And so do the good acts that we do come to us in the evening of life; and this afternoon Judge Price is reaping the result of his life, his kindly deeds to his neighbors and to the Bar of this Great State, coupled with his distinguished service, fits him for this place, and I ask you people, in the name of gratitude and in the name of justice, for the sake of the Bar of Mississippi, to make him your next President. (Continued applause).

I remind you, my friends, that he served as the Commissioner from his district with distinction, gladly accepted and served as Second Vice President, then served as First Vice President, and now having come all the way up the ladder, being in every way equipped for the place, why should we turn him back when the great honor lies before him, having been earned by him?

I ask the members of this Association, if they can do so consistently with the welfare of the Bar of the State, to elect James Houston Price, and we will all be proud of him. I thank you very much. (Applause).

THE PRESIDENT: Are there other nominations.

MR. COOPER: Mr. President, and Members of the Mississippi State Bar: For a little more than one year now our present Bar Association has been in existence. The next twelve months will probably determine whether or not this organization as now constituted, and which you and I by our presence here have shown our interest and loyalty in, will be continued. The man we need for the next year is a man who in executive leadership, in aggressive ability, can lead this great organization through whatever shoals may come during the next twelve months.

I rise, Mr. President, for the purpose of bringing to your attention, and for the purpose of nominating, a man who also has an illustrious past, the son of an illustrious lawyer, a man who has practiced for thirty years and has no blemish, a man whose record as a lawyer and as a citizen is one which is familiar to his friends, and of which every one here might well be proud.

I heard Judge Truly yesterday, and I want to pause a moment to say to you that I concur most heartily in everything Judge Reiley had to say both of Judge Truly and Judge Price—I heard Judge Truly speak yesterday of the duty of an older lawyer to be sympathetic of a young lawyer. I want to tell you men here now a good many years ago, as time flies, the man I am now nominating rendered to me as a young fledgling of the Bar one of the greatest services for which I so long as I may live feel deeply grateful. As an older member of the Bar he held out a helping hand to me and helped me over a rough road where I needed his help, and so throughout his life, his history and his record has been one of lifting a helping hand, not only to the members of his profession but to all those with whom he has come in contact.

Let me remind you, my friends, that we need in this Association next year a man who can get our organization of lawyers throughout Mississippi a little better connected, a little closer in contact, our local bar associations a little better organized, a little more contact between them and our state organization; and I am authorized to say to you

that the man I am nominating is a man who will devote his time throughout the year in carrying forward not only the ideals we all hold so closely, but also in working the twelve months between now and the next convention in bringing to our organization the realization of our ideals. He has been President of his own county bar association; he has a record that I am not going to take the time to recount, because practically every man here knows the record of the man I am nominating; but I am going to say to you in closing, the man I am nominating to you has just as high ideals, holds just as lofty the traditions, and just as sacred the precedents of the past, has just as illustrious a record as any man in this presence. He will bring credit to the organization, and I take pleasure in nominating Major W. Calvin Wells, of Jackson, Mississippi. (Applause).

THE PRESIDENT: One seconding nomination will be permitted on either side.

MR. KELLY: Mr. President, and Members of the Bar: W. Calvin Wells is my personal friend, and for years has been my political friend, and certainly it would give me no pleasure, in fact, it stings me to have to decide between these two wonderful men.

I have served with Judge Price as commissioner of this State Bar; I have seen his work; I know his life; and if I must draw the line between my warm friendship for Calvin Wells and what I believe is the interest of this State Bar, I draw it now, and I cast my vote, and I hope this Convention will cast its vote, to reward the man who has stood like Judge Price in this Convention in every emergency, who never drew the line between personal interest and the interest of this State Bar and the interest of the State of Mississippi. I hope you will cast your vote for Judge Price. When the time comes, as I hope and know it will, we will remember Calvin Wells, just as Mr. Cooper suggested; in his time and in his place this Bar will be honoring Judge Price. I second the nomination of Judge Price and hope you will cast your vote for him.

MR. GUICE: Mr. President and Members of the Bar: A few days ago I received a letter from a friend of mine, and at that time I thought there was only one answer to the office of President of the State Bar Association. I wrote to him and told him I would support that man. But when I got here I found out the man who was elected Vice President the last time, who was my adversary in a case down on the coast, the case of the Bar Association, if I may say it, against Marshall, in which case I found out that he was not only a fine lawyer, but that he was a clean, fine, fighting gentleman, and everything that a man should be who aspires to be President of this organization—when I came here and found out that man was running for President or someone was running him, for two days I hunted for the man I had told I was going to vote for the other man and couldn't find him, but here today I feel that I would be indecent to the three generations of lawyers back of me if I didn't tell you that, and rise up here today to second the nomination of one of the finest Christian gentlemen I ever met in the courtroom in Mississippi, and one of the greatest lawyers, Judge Price of Magnolia. (Applause).

THE PRESIDENT: Are there any others?

MR. YEAGER: Mr. President: I rise to second the nomination of my good friend, Major W. Calvin Wells, for President of the State Bar Association.

In seconding the nomination of Calvin Wells, I do not mean to detract anything from the words of commendation which have been bestowed upon Vice President, Judge Price; he is a great lawyer, a wonderful man, profound jurist, and would acquit himself well as President of this association. But Major Calvin Wells is a scholarly gentleman, a profound lawyer, a man of splendid attributes, wonderfully fortified to make an energetic, ideal President of the Mississippi State Bar Association. He is centrally located at Jackson, whereat all of our legal business is largely transacted, and I feel that he would add glory and renown to the prestige of this great Association if we should elect him our President at this time.

THE PRESIDENT: I recognize Mr. Crawley.

MR. CRAWLEY: Mr. President, and Gentlemen of this Bar Association: It is with a great deal of diffidence that I trespass further upon your time. I recognize the fact that you are impatient, because my frame of mind is the same as yours.

I want to say, as I stood here this afternoon and listened to the tribute that was paid by my friend Reiley to the candidate he introduced here this afternoon, my heart clogged with that same warmth that it feels every time that I hear the golden words fall from Marion Reiley's lips. I want to say, my friends, that it is with the greatest admiration that I regard Judge Price and the record he has made as a jurist in the State of Mississippi.

In rising here to second the nomination of Calvin Wells, I in no wise intend to detract from any measures of honor that should be bestowed upon him on that account. I want to say this: That if there ever was a time in the history of the State of Mississippi, if there ever was a time in the history of this Bar Association, that we needed an active vigilant man at its head, we are confronted with that condition today.

I want to remind you of the fact that only today we heard from this platform here offered changes in the methods of practice and procedure in the courts of this country that were startling to contemplate, so far as I am concerned.

I want to say, my friends, that in my humble judgment and my humble opinions as a practitioner at the Bar of this great State, the next year is going to determine the destiny of the Bar Association so far as usefulness is concerned in the State of Mississippi. We need a man at the head of this institution who will not be hampered, or who will not be hindered, on any account, and I believe that Calvin Wells is the man to fill the bill.

I was especially touched when my young friend who nominated Calvin Wells recited the fact that Calvin Wells befriended him when he was a young lawyer of this Bar. I want to say that his experience is similar to mine; that I have always found Calvin Wells interested in the younger members of his profession; and when I needed counsel

and advice I sought it in his office, and I have never yet failed to receive it. He has been a member of this Bar Association for twenty-five or thirty years; I know he has been a member of this Bar Association since I was admitted to the practice of law in this State in 1911. I know that he has taken an active interest in its affairs; I know that he has always stood on the side of justice and on the side of right; and I know that he has never sacrificed his duty and allegiance to this Bar Association on account of personal interest.

I just want to say this: I remember very well in 1917, when this country was engaged in a struggle for its existence, Calvin Wells tendered his services to the United States Government, and for two years wore the uniform of a United States soldier. Well, it may be that I am a little bit prejudiced on that account—I don't mean prejudiced, but it may be that my friendship and admiration for Calvin Wells has grown intenser on account of that fact. I want to say to you, my friends, that I do not believe this Bar Association will make any mistake in placing that man as President of this Association for this next year, and, therefore, I take great pleasure in seconding his nomination. (Applause).

MR. JACKSON: Mr. President, and Members of the State Bar: I want to say that I wish, as a young lawyer, to second the nomination of Judge James Houston Price. I stood before this Association a year ago and seconded the nomination of Judge Price for President of this Association, and when that illustrious gentleman who now presides over this Association was apparently elected, it was with pleasure and with honor that we bowed to the will of this Association; and again I present the name of Judge James Houston Price to this Association as a friend of young lawyers, as a friend of all lawyers who stand in this Association today. I second the nomination of Judge Price of Pike County, Mississippi.

MR. POWELL: Mr. President, I move the nominations be closed.

MR. DENT: I second the motion.

THE PRESIDENT: It is moved and seconded that the nominations be closed. All in favor of that motion will say AYE; the contrary NO. It is carried. Prepare your ballots, and the tellers will be young Mr. Vollor, young Mr. Thames, young Mr. Dent, young Mr. Brunini, and the junior member of any other firm in Vicksburg, all or any of you. Come forward, and you will be the tellers of this election.

SENATOR SMITH: Mr. President, I make a motion that we now have the nominations for Vice President so that we can vote on the same ballot for President and Vice President.

(Cries of No, No, No.)

THE PRESIDENT: It doesn't seem to suit them.

MR. STOVALL: Mr. President, I want to offer the following resolution:

"Resolved that the Mississippi State Bar tenders its profound gratitude and thanks to the citizens of Vicksburg, the Vicksburg Bar Association, the Y. M. C. A. and Mr. F. C. Willcoxon, its General Secretary, and to Mr. Harry Bovay, President of the Vicksburg Bridge Company,

the B. B. Club and its members for their generous and splendid entertainment and pleasure given us during the session of this Association."

I move the adoption of the resolution.

MR. ELLIS: I second the motion.

MR. HINDMAN: I move to amend that by adding Senator Pat Harrison.

THE PRESIDENT: All in favor of that will signify it by saying AYE. There could be no NOES.

MR. DENT: Mr. President, for the last number of years this Association has uniformly been attended by two distinguished Mississippians, one of whom was President of this Association, the other is a life honorary member, the only two surviving members of the makers of the Constitution of 1890. I refer to Judge R. H. Thompson, of Jackson, and Judge Will T. McDonald, of Memphis, Tennessee. I move the Secretary of this Association be directed to wire Judge Thompson and Judge McDonald that they have been very much missed and we hope they will be able to attend the next meeting of this Bar, and enjoy much happiness in the future.

JUDGE D. M. MILLER: I second the motion.

THE PRESIDENT: Just one amendment: The President's name must also be signed to that telegram. All in favor of the motion will say AYE; contrary NO. The motion is carried.

Gentlemen, the vote for President results in Major Wells 106, Judge Price 147. (Applause). Judge Paul Johnson, Myron McNeil and C. F. Engle are appointed a committee to find the new President and bring him in.

MR. BRYAN: Mr. President: Before that is done, I move Judge Price be declared unanimously elected by the Association.

MAJOR WELLS: I second the motion.

THE PRESIDENT: It is moved and seconded that the election of Judge Price be made unanimous. All in favor will signify it by saying AYE. It is so ordered.

The Convention will rise to greet their new President. (Applause). With congratulations, both for Judge Price, the Bar of the State, and the State itself, I resign the gavel, which I so unworthily wield.

JUDGE PRICE: Gentlemen of the Bar: I would be recreant to every sense of gratitude and appreciation did I not first of all things acknowledge to you my grateful appreciation of the honor you have thrust upon me. There need not be any uneasiness about the fact that I accept. I accept with pleasure, but with many reservations. The responsibilities of leading the Bar at this time is greater, fraught with more interest, than any time in my history, and I am not a young man. Fraught with interest because for all these years that the Bar Association has been trying to function this is the first time, the last two years, that the Mississippi Bar has undertaken to accept the challenge that is laid down to it to administer justice.

I am from that school that believes the lawyers have been the greatest contributors to human liberty and human happiness, leaving out the ministry, of which I will not speak at this time; I believe they have contributed more to the uplift of humanity, to steering the Gov-

ernment and State than any other class of men. When we snatched from a cruel and oppressive King that charter of human liberty, you were there; at Bunker Hill, you were there; at the Declaration of Independence, the lawyer was there; at the adoption of the Constitution, you were there; from Sinai to the World's Court, the lawyer is there; and yet, during all these past years we have not seen fit to accept the challenge that the business world has laid down to us.

I am from that school of thought, like my dear friend Truly, that the administration of justice is the prime purpose of government. I can conceive of no purpose of government higher, or that could be dispensed with less, than the administration of justice. It is through the medium of the lawyer on the bench and the agency of the lawyer on the floor that this result may be accomplished and must be accomplished. In all the inaugurals of the forty-eight States the lawyer has been there up to ninety per cent. When they drafted their constitutions, the lawyer did it. The lawyer has administered justice, state and Federal, from the courthouses of America. Therefore, my friends, in organizing a Bar Association and undertaking to measure up to our full duties, I know no agency that is more willing and more ready to do it than the lawyers. Therefore, we became incorporated. A man must belong to the Bar if he practices law. He cannot resign. He takes her for good or evil; he must stay there. Then, since we are some twelve or fifteen hundred strong in Mississippi, since we have contributed what we have to the administration of justice and public affairs in Mississippi, my hope is that during my brief and inadequate career for a year I will be able to assist you in organizing a Bar Association in every county in Mississippi. Why is it necessary? That we may act as a unit. Why is it necessary? Because you never try a lawsuit but that the public interest is affected; and nobody has contributed more to the public interest than the lawyer; and the lawyer who cannot carry his share of the public interest into the courtroom and elsewhere perhaps does not measure up to the full standard that is in lieu for him in the future.

Now, as to the young lawyer, I would like to say this: I see many young men here; you must take the places of the older men, and do it soon. I know nothing better, my friends, than to discuss with the older lawyers who have gone through the battle as to what has been best for Mississippi in your practice, as to what has been best in the uplift of the Bar Association in your practice. The rules of practice are practically a rescript of the rules of the American Bar Association; nothing harsh, all easy, but I have got this impression, gentlemen, and I want to get it to you, it is in my heart to say it, and I can say in the City of Vicksburg, or Jackson, or Hattiesburg, or elsewhere in this State, one lawyer who does not know the sense of professional ethics, one lawyer who will stoop to perjury, and bribery, and to chicanery can educate a whole seminary of the laymen, and teach them that it is just a trick. My friends, the lawyer's business is the highest on earth.

You have had so much good speech, you have had so much eloquence and truth, coming in on the frazzled end of this business there

is but little to say. I gathered this from yesterday and today that I just want to leave with you. The Government has said it will do for Mississippi what Mississippians cannot do for themselves; but we will do, and ought not to be called upon to do for Mississippi what Mississippians can do for themselves. That is a fair deal.

Now, this depression that we have been going through—just one word on that or I will have said nothing. That has been the keynote. God bless Mississippi! Friends, we are standing in the front ranks of able and good men, but it all amounts to this, my friends, and I hope every lawyer will carry a prize-pole home with him and say unanimously me and mine will have faith in the President and his plans. And you have got to do more than that. You have got to take that prize-pole, if I may call it that, and say that we are going to prize us out and up to the standpoint of purchasing power that will revive everything. The loss of purchasing power is what has occurred. The restoration of purchasing power is needed, and it is a necessity. That is the one thing that must come. We have got to pull out of this my friends, and pull ourselves back to a purchasing power. Well, the lawyer says, "My business is shot to pieces; I am just making overhead—hardly that— and making it on credit." My friends, your business is such that you are going to stay right there until you prize us out of the troubles, and you can do it. If every Bar Association in America would do as we expect you to do, we would restore purchasing power, and your business would be restored.

A good many things have been said about the Judicial Council, which the Bar Association took under advisement for a year. I trust and hope that every lawyer will go and get the November number of the LAW JOURNAL, and take that thing and criticize it, and tear it all to pieces, you men who oppose it, and I am glad you did because it enables us now, one and all of us to go and study it, and criticize it. Let the Commission know what you think about it, and let the President of the Bar know what you think about it; and if I can have your co-operation, I do not fear the responsibility; but I shall be altogether inadequate if I shall not have the hearty co-operation of every lawyer in Mississippi.

Boys, you cannot get along without a Bar Association, because you are studying your business, and every man's business in your county, in order to bring about a restoration of business.

I know you are weary, and I apologize for having detained you and trespassed upon your patience quite so long. I thank you. (Applause).

The next order of business I see, and I am so advised by the Secretary, is the election of First Vice President.

MR. SNOW: Mr. President, and Gentlemen of the State Bar: I hesitate to raise my voice in this Convention following the magnificent nominating speeches that have preceded me on this floor; but I am constrained to do so assuming, and I believe assuming properly, that not nearly so much eloquence is required in nominating for the office of Vice President as is required in nominating for the high office of President.

When the State Bar met in Jackson last year, this Association as it now exists, was as it were, but a squeaking infant in arms, and we realized that during the first year of its existence the entire destiny of the Bar Association would probably depend upon the officers of that Association. Realizing that condition, we reached out to the State at large and selected that Prince of Gentlemen and great lawyer, our retiring President, who has served us with such distinction and has conferred such honor upon this Association. As his help-mate, we reached down into the piney woods of South Mississippi and plucked therefrom one of the most illustrious sons from that section of the State, the distinguished gentleman and excellent lawyer whom we have just befittingly and properly elected to the office of President for the ensuing year. Thereupon, for the office of Second Vice President we reached up to the vine-clad hills of North Mississippi and plucked therefrom one of the illustrious sons of that section of the State. That distinguished gentleman has served throughout the year in the minor capacity, but important capacity, of Second Vice President of this Association. And now, my friends, it is my privilege and pleasure to present to this Association for promotion from the office of Second to the office of First Vice President of this Association Honorable James McClure, of Sardis, Mississippi. (Applause).

MR. HENLEY: Mr. President, and Fellow Members of the Bar: The Mississippi Bar has taken a great step forward in the unified bar; we have had wonderful progress, and I feel that we should do everything we can to endorse the administrations that we have had for the past two years. We have endorsed it by the elevation of Judge Price from Second Vice President to First Vice President, and from First Vice President to President of the Association. I feel that we should follow that precedent. The Presidents of your Association, Judge Venable, Judge Truly and Judge Price, have done wonderful work; but they have also had great assistance. I feel there is no man more capable and more worthy of filling this high office than Honorable James McClure, and I rise to second his nomination. (Applause). And I move that the nominations be closed.

MR. GUICE: I move the nominations be closed and the Secretary of the Association be instructed to cast the unanimous ballot of this Convention for Mr. McClure.

The motion was duly seconded.

MR. ENGLE: On that motion, I have no objection to the nominations being closed and the gentleman elected as First Vice President; but I want to serve a note of warning to this Association that you are laying the foundations for dry rot and lack of interest, if we are going to adopt the routine of taking as a matter of course the gentlemen who are elected for office at the preceding convention. We are going to get it in a rut, and we are going to be like the old Association, pay the dues and you will not have a corporal's guard after the third year attending your Association meeting. You ought to have some contests. There ought to be two tickets always in the field. This thing of cutting off nominations is a bad thing. We want to quit and go home, but it is a bad thing; and those organizations have survived which

make it the policy of getting out two tickets, whether they call it the Red and Blue ticket, and unless we are going to have some competition and two tickets, and unless there will be some competition, this Association is going to get the dry rot, and we are laying the timbers now for the foundation of getting into a rut, which will hurt this Association much more than anything else that can happen to it.

THE PRESIDENT: Gentlemen, you have heard the motion, that the nominations for First Vice President be closed, and that the Secretary cast the vote of the Association for Honorable James McClure. All who favor that motion will say AYE; opposed NO. The AYES have it, the motion is carried, and Mr. McClure is nominated your First Vice President.

THE SECRETARY: I take pleasure in casting the vote of the Association for Honorable James McClure as First Vice President of the Mississippi State Bar.

THE PRESIDENT: The next order is the election of Second Vice President.

MR. DENT: Mr. President, and Gentlemen of the Convention: There is a Mississippian from one of the sweetest, finest cities in Mississippi, who has been a regular attendant of this Association for years, a distinguished lawyer and fine man. I take very great pleasure in nominating Mr. C. E. Garnett, of Columbus, Mississippi, for the office of Second Vice President.

THE PRESIDENT: Are there any other nominations? The nominations are closed. All in favor of Mr. Garnett as your Second Vice President will say AYE; opposed NO. Mr. Garnett is elected your Second Vice President.

It is suggested by the Secretary that the Bar Commission meet here on the stage immediately after adjournment. There is some preliminary work to be done.

MR. BURNAMAN: Mr. President, I have the following resolution to offer:

> BE IT RESOLVED by the Mississippi State Bar at its 1933 session in Vicksburg, on September 8th, that the Mississippi State Bar petition the Supreme Court of the State, and the courts of record of the State, to amend the rules and ask that the Judges wear robes, or suitable capes on the bench.

MR. C. B. CAMERON: I move the resolution be tabled; it is too hot.

MR. BURNAMAN: In order to further the majesty of the law.

MR. CURRIE: Mr. President, and Members of the Mississippi State Bar: In the closing hours of so pleasant a convention of the Mississippi State Bar, I have once more the privilege of presenting to you Hattiesburg's standing invitation to meet with us at your next convention. It has been twenty-two years since the Mississippi Bar have graced Hattiesburg with your presence. You have probably read some of the memoranda of the things we have in Hattiesburg. Every one of the memorandum cards I have seen are blank, because somehow lawyers who attend the Mississippi Bar seem to leave no

particular record of some of the things they do. I have telegrams from every organization in Hattiesburg assuring you of the warmth of your welcome there, and of the fact that we have ample hotel facilities; that we have hospitality of hearts and homes to give you a welcome to the "Hub City." It is difficult for Hattiesburg, or any other city, in the so pleasantly closing hours of this Convention to rival the magnificent hospitality of historic Vicksburg.

On behalf of the lawyers of Hattiesburg, we want you to know, you gentlemen and ladies of Vicksburg, how we have appreciated the hospitality you have shown us, and how difficult a challenge you have given us to surpass the gracefulness, courtliness and valiant character of the historic city in which we are meeting, or even to come up to the reputation of most of the other places that have entertained the Mississippi Bar. Gentlemen, as the occasion is growing late, some of you are weary, and all I want to do is once more to assure you that Hattiesburg, with a warm heart, with outstretched hands, with every hospitality of heart and home, welcomes you to hold your next Bar Association in Hattiesburg, the "Hub City."

MR. REILEY: Mr. President: I rise to second the nomination of Hattiesburg. I want to say this about our city here: When I die they are going to carry me down to "Old Natchez" and bury me on the bluff, where the waters go on to the sea, but I am going to arrange it when I die for them to bring my remains back through Vicksburg, and when they get near "Old" Bob Kelly's home I want them to hesitate. That's the way I feel about Vicksburg. We will always be grateful for the hospitality of you people.

It has been twenty-two years since this Association has been to Hattiesburg There has been no Bar in the State where the members have turned out and attended the meetings any more zealously than have the members of the Bar of Hattiesburg. They have a new hotel there, and they tell me, the Chief of Police has got plenty of sense. Let's go down and give him a trial.

MR. GUICE: I am not going into any competition with Hattiesburg. I feel too sorry for them for the many times they have tried to get this convention; but I think on account of the uniform kindness that has been accorded me by some member of the bar of nearly every county of the State, that at every convention I should tell you that the beautiful little town lying down on the whispering Gulf where I live is always ready, willing and able to entertain you. I cannot claim the distinction of Hattiesburg, of being the only city in the State of Mississippi that has gone on record as being against that law which the Congress of the United States passed, saying that beer was legal. I cannot claim many other distinctions that they claim, but I can say this to you: That except for the $5.00 that you pay to the State Bar Association, if you come to Biloxi you will have as fine a time as you ever had, and not only this time but the many times that you may come there, without a thought of another cent of pay, or without the idea of any punishment that may come to you for the many sins and the little evils that lawyers exhibit at the Bar Association.

I want you to come to Biloxi, but I would not fight my friend Currie.

If you want to come, we will take you into our arms, as we did before on two occasions. We will give you the best we have. And if you do not come, we will ask you the next time.

JUDGE TRULY: I want a closing word with this Association, to ask you for the good of the Association, for the widening of the interests of the Association, that you go to Hattiesburg and give Hattiesburg and the lawyers of that immediate vicinity the great pleasure of meeting the mass of the brotherhood of the Bar Association of Mississippi.

You speak, of course, of historic Vicksburg—and I have been here longer, and came here sooner, than almost any citizen of Vicksburg now living.

You speak of the great glories of Biloxi, and God himself has opened the cornucopia of blessings and poured them down there upon the silvery waters of the flowery banks of the Gulf; but Hattiesburg and Meridian stand as evidences of the indomitable courage of the pioneer spirit of that necessity of soul, strength and of mind which makes the Mississippian forge forward without regard to obstacle. Hattiesburg has overcome difficulties which Biloxi and Vicksburg never knew. Hattiesburg towers today, and that section of the State stands out today, a living memorial to the courage of the people who went there. I want you to go to Hattiesburg, for your own good, for the good of the State, for the good of the Bar Association. (Applause).

I move the nominations be closed, and we elect Hattiesburg.

MR. GUICE. Mr. President, I want to rise to a point of order. That motion is not in order; there are two towns placed in nomination. I don't care whether Biloxi gets one vote, but I want you to put me out of court like the judge does when I am trying a lawsuit. Although I hate to differ with my distinguished friend, who knew my father in his boyhood days, I want to say that is wrong, and you cannot entertain that motion. I don't care whether I get a vote or not.

JUDGE TRULY: The motion is withdrawn.

THE PRESIDENT: We will take the nominations as presented. All who favor the meeting being at Hattiesburg rise and stand until you are counted. We will meet at Hattiesburg next year.

Upon motion made, seconded and carried, the Association adjourned *sine die.*

I certify and approve the foregoing as a true and correct copy of the minutes of the proceedings of the annual meeting of the Mississippi State Bar.

LOUIS M. JIGGETTS, *Secretary.*

1933 DIRECTORY
MISSISSIPPI STATE BAR
(1426 Members)

Abernathy, H. B., Houston
Abernethy, Thos. G., Okolona
Adam, C. B., Pass Christian
Adam, E. J., Pass Christian
Adam, E. J., Jr., Pass Christian
Adams, B. C., Quitman
Adams, J. J., Clarksdale
Adams, J. J., Jr., Clarksdale
Adams, J. L., Quitman
Adams, L. M., Jackson
Adams, M. T., Pontotoc
Adams, W. C., Corinth
Alcon, W. A., Jr., Clarksdale
Alderman, J. E., Leakesville
Alexander, H. Chalmers, Jackson
Alexander, James A., Jackson
Alexander, Julian P., Jackson
Alexander, M. L., Picayune
Alexander, W. B., Jr., Boyle
Alford, J. M., Tylertown
Alford, S. M., Jackson
Allen, B. B., Indianola
Allen, J. F., Kosciusko
Allen, Joe Frank, Kosciusko
Allen, N. R., Shaw
Allen, Percy W., Indianola
Allen, T. D., Jr., Shaw
Allen, Ward, Greenwood
Ames, Chas. F., New York, N. Y.
Amis, A. B., Meridian
Amis, A. B., Jr., Newton
Amis, Marshall W., Meridian
Anderson, Cephus, Hattiesburg
Anderson, Charles, Columbus
Anderson, Dick, Okolona
Anderson, D. M., Newton
Anderson, Fred A., Jr., Gloster
Anderson, G. D., Hattiesburg
Anderson, John R., Tupelo
Anderson, L. D., Sumner
Anderson, R. B., Jackson
Anderson, S. V., Greenville
Anderson, W. D., Jackson
Anderson, W. H., Ripley
Andrews, Landon C., Oxford
Arnett, B. Keeton, Philadelphia
Arnold, Roy, Jackson
Arrington, Joe Drake, Gulfport
Arrington, John H., Monticello
Arrington, R. O., Crystal Springs
Avery, Ralph B., Jackson
Ayers, S. N., Ripley
Bacho, Fred, Biloxi
Backstrom, J. W., Leakesville
Backstrom, Oscar, Gulfport
Bailey, T. L., Meridian
Banks, Geo. H., Newton
Bankston, W. L., Tunica
Barbee, J. W., Hernando
Barbour, C. C., Vicksburg
Barbour, J. F., Yazoo City
Barbour, J. S., Jackson
Barlow, E. C., Brookhaven
Barnett, H. C., Carthage
Barnett, O. H., Jr., Carthage
Barnett, Ross R., Jackson
Barnett, Tom J., Carthage
Barrett, Pat M., Lexington
Batson, Alpheus, Bothwell
Batson, W. C., Wiggins
Bayless, H. L., Jr., Union
Beams, Douglas Eugene, Greenville
Bean, George, Okolona
Beard, W. A., Jr., Laurel
Belk, Fred M., Holly Springs
Belk, Wm. D., Holly Springs
Bell, A. H., Greenwood
Bell, B. F., Starkville
Bell, Fulton, Greenville
Bell, James W., Jr., Tunica
Bell, Percy, Greenville
Bennett, R. E., Meadville
Berry, O. L., New Hebron
Berry, S. B., Hattiesburg
Berry, J. H., Crystal Springs
Bickerstaff, R. O., Gulfport
Bishop, J. B., Pinola
Bishop, R. J., Hattiesburg
Black, E. C., Marks
Blackburn, D., Conehatta
Blair, W. A., Tupelo
Bloomfield, Horace, Gulfport
Blount, James A., Charleston
Bogen, Edw. J., Greenville
Boggan, J. W. P., Tupelo
Bolton, C. R., Tupelo
Bonelli, Albert M., Vicksburg
Bonney, E. C., Shubuta
Boone, E. E., Marks
Boone, R. M., Jr., Marks
Boothe, W. E., Brookhaven
Boswell, H. H., Coffeeville
Bourdeaux, R. M., Meridian
Bowdre, P. H., Hernando
Boyd, M. W., Laurel
Boydstun, R. W., Louisville

Boyles, J. B., Batesville
Bozeman, Albert S., Jr., Meridian
Bozeman, A. S., Meridian
Bradford, J. W., Itta Bena
Bradshaw, F. W., Jackson
Brady, B. M., Jackson
Brady, T., Jr., Brookhaven
Brady, Thos. Pickens, Brookhaven
Brahan, F. V., Meridian
Bramlette, David Clay, Woodville
Brandon, G. H., Natchez
Brandon, Gerard, Natchez
Brandon, J. M., Natchez
Brantley, Z. A., Louisville
Bratton, C. A., Pontotoc
Bratton, Nettie H., Jackson
Bratton, Thos. S., Jackson
Breland, E. W., Leakesville
Breland, J. J., Sumner
Brennan, E. F., Brookhaven
Brett, M. D., Marks
Brewer, Earl, Jackson
Brewer, Ed. C., Clarksdale
Brewer, Geo. W., McComb
Bridgforth, Allen, Yazoo City
Bridges, L. C., Purvis
Brien, E. L., Vicksburg
Broach, Walker, Jr., Meridian
Britton, E. H., Macon
Broadus, A. Q., Purvis
Proadus, Buren, Wiggins
Broadway, L. J., Meridian
Brocato, V. J., Clarksdale
Brooke, Akin, Meridian
Brooks, J. M., Clarksdale
Brooks, Rodney, Clarksdale
Broom, S. C., Jackson
Brown, A. L., Rolling Fork
Brown, Charles Scott, Gulfport
Brown, D. W., Fulton
Brown, G. N., Bay Springs
Brown, J. H., Fulton
Brown, James T., Jackson
Brown, Joseph E., Natchez
Brown, Lucille, Jackson
Brown, L. W., Starksville
Brown, M. D., Gulfport
Bruce, Arthur, Greenwood
Brumby, J. H., Jackson
Brunini, Alexander J., Vicksburg
Brunini, J. B., Vicksburg
Bryan, Edwin A., Meridian
Bryan, Harry M., Jackson
Bryant, Clifton E., Meridian
Buchanan, Frank J., Amory
Buchanan, Harry, Hattiesburg
Buchanan, James R., Laurel
Buckley, J. Emmett, Enterprise
Buckley, John L., Enterprise
Buffington, J. V., Meridian
Bullard, Wm. D., Pascagoula
Bullard, R. L., Hattiesburg
Buntin, R. R., Gulfport
Burgin, D. A., Columbus
Burdett, W. F., Richton
Burkett, John G., Jackson
Burnaman, C. Frederic, Jackson
Burns, R., Jr., Brandon
Busby, A. C., Waynesboro
Busby, Jeff, Houston
Bush, F. H., Laurel
Bush, Fred M., New Hebron
Butler, George H., Jackson
Butler, John Sharp, Quitman
Butts, Dr. A. B., State College
Byrd, A. M., Meridian
Byrd, J. L., Jackson
Byrd, J. M., Leakesville
Byrd, T. H., Lucedale
Byrd, W. A., Newton
Byrnes, C. F., Natchez
Caldwell, J. H., Charleston
Caldwell, J. H., Jr., Charleston
Calhoun, Edwin L., Mount Olive
Calhoun, L. J., Jackson
Calhoun, Robert L., Mount Olive
Cameron, Ben F., Meridian
Cameron, Charles B., Meridan
Campbell, Charles S., Jackson
Campbell, George H., Yazoo City
Campbell, T. H., Yazoo City
Campbell, T. H., Jr., Yazoo City
Campbell, Virginia Ruth, Yazoo City
Canizaro, Jack, Vicksburg
Canizaro, P. C., Vicksburg
Cannon, L. C., Tunica
Cannon, R. L., Sumner
Cantwell, O. S., Sunflower
Capers, W. W., Jackson
Caradine, J. E., West Point
Carballo, J. L., Kosciusko
Carlton, L. K., New Albany
Carmichael, Benjamin B., Greenville
Carney, K. A., Clarksdale
Carothers, A. M., Grenada
Carr, J. D., Sr., Newton
Carr, J. M., Newton
Carr, J. V., Decatur
Carter, B. F., Laurel
Case, C. C., Jackson
Case, H. F., Quitman
Cassedy, J. W., Brookhaven
Cassidy, J. J., McComb
Catchings, O. W., Woodville
Causey, H. F., Cleveland
Cauthen, Nelson B., Canton
Chambers, Paul, Jackson
Chaney, A. A., Vicksburg
Chatham, Gerald W., Hernando
Cheney, Reynolds S., Jackson
Childs, Earl, Shelby
Churchwell, W. C., Leakesville
Clark, A. B., Indianola
Clark, Charles E., Ocean Springs
Clark, E. A., Ocean Springs
Clark, Frank, Waynesboro

Clark, Fred, Cleveland
Clark, G. C., Waynesboro
Clark, John A., DeKalb
Clark, Lester, Hattiesburg
Clark, Lulu H., Hattiesburg
Clark, T. A., Iuka
Clarke, E. S., Hollandale
Clayton, Claude, Tupelo
Clayton, S. P., Tupelo
Clayton, W. L., Meridian
Clements, W. H., Rolling Fork
Cleveland, Arthur T., Fulton
Cochran, Archer W., Baldwyn
Cochran, Louis, Jackson
Cofer, Kermit R., Water Valley
Cohn, A. A., Brookhaven
Coleman, Edward F., Purvis
Coleman, Jerry, Vaiden
Coleman, J. M., Aberdeen
Collins, F. B., Laurel
Collins, Floyd O., Laurel
Collins, Jeff, Laurel
Collins, R. W., Jackson
Colmer, William M., Pascagoula
Colson, J. G., Greenwood
Conger, J. W., Winona
Conn, W. D., Jr., Jackson
Conn, W. D., Sr., Corinth
Connor, Claude E., Columbia
Conner, Dudley W., Hattiesburg
Conner, Governor M. S., Jackson
Cooper, Mrs. Evelyn, Bay St. Louis
Cook, Everett H., Gulfport
Cook, Sam, Jr., Clarksdale
Cook, W. H., Hattiesburg
Cooley, D. B., Laurel
Cooper, A. W., Forest
Cooper, E. B., Laurel
Cooper, Forrest G., Indianola
Cooper, J. E., Purvis
Cooper, R. D., Meridian
Cooper, S. B., Philadelphia
Corban, L. C., Biloxi
Corban, R. L., Fayette
Corban, R. L., Jr., Fayette
Corley, W. U., Collins
Cossar, George P., Charleston
Cottrell, David, Jr., Gulfport
Coughlin, James E., Hattiesburg
Coursey, B. F., Decatur
Covington, A. W., De Soto
Covington, J. A., Jr., Meridian
Cowan, R. C., Gulfport
Cowart, C. F., Meadeville
Cox, Allen, Baldwyn
Cox, Robert H., Ripley
Cox, W. A., Marks
Cox, W. H., Baldwyn
Cox, William H., Jackson
Cox, W. M., Baldwyn
Craggs, C. J., Cleveland
Cranford, T. W., Jr., Seminary
Cranford, W. L., Seminary
Crawford, Marvin, New Albany
Crawley, D. E., Kosciusko
Crawley, James T., Jr., Kosciusko
Creekmore, H. H., Jackson
Creekmore, Rufus, Jackson
Creekmore, Wade H., Jackson
Crisler, Bert, Jackson
Crisler, J. Dunton, Clarksdale
Crisler, John W., Clarksdale
Critz, Frank A., West Point
Crum, C. L., New Albany
Crump, C. H., Cleveland
Culkin, John H., Vicksburg
Cunningham, F. W., Booneville
Cunningham, James A., Booneville
Cunningham, J. E., Booneville
Currie, Dan T., Hattiesburg
Currie, E. Alexander, Hattiesburg
Currie, E. J., Jr., Hattiesburg
Currie, George W., Hattiesburg
Currie, Homer, Raleigh
Currie, J. H., Meridian
Currie, Neil T., Hattiesburg
Cutrer, R. W., Magnolia
Dabney, F. Y., Vicksburg
Dabney, J. B., Vicksburg
Dabney, L. B., Vicksburg
Dabney, Moncure, Vicksburg
Dailey, Louis I., Jackson
Dale, R. H., Columbia
Dale, Sebe, Columbia
Dale, T. Price, Columbia
Daniel, G. O., Starkville
Darden, R. A., Jackson
Darden, Tom Leslie, Hernando
Davis, D. P., DeKalb
Davis, E. W., Port Gibson
Davis, J. E., Hattiesburg
Davis, James L., Jr., Louisville
Davis, J. E., McComb
Davis, Jeff, Indianola
Davis, S. F., Indianola
Davis, T. B., Columbia
Davis, T. W., Jr., Purvis
Davis, T. W., Sr., Purvis
Davis, W. H., Jackson
Davis, W. S., Waynesboro
Daws, J. H., DeKalb
Day, Icey W., Kosciusko
Day, J. O., Tutwiler
Day, R. H., Decatur
Dean, H., Brookhaven
Dean, J. F., Senatobia
Dear, H. C., Enterprise
Deavours, Jack, Laurel
Deck, W. I., Jackson
Dedeaux, O. J., Gulfport
Denman, R. D., Greenwood
Dennis, Glender, Ellisville
Denny, W. M., Jackson
Dent, J. R., Gulfport
Dent, R. L., Vicksburg
Dent, R. L., Jr., Vicksburg

Dent, E. L., Collins
Denton, C. L., Meridian
Denton, M. E., Marks
Denton, P. L., Marks
Dial, E. H., Meridian
Dinkins, E. D., Senatobia
Dinsmore, R. R., Jackson
Dixon, T. Vincent, Senatobia
Donald, William D., Moorhead
Doty, Walter S. P., Grenada
Downs, A. B., Columbus
Doxey, Hindman, Holly Springs
Doxey, Wall, Holly Springs
Drake, Carl F., Durant
Drake, J. T., Port Gibson
Draughn, D. W., Hattiesburg
Dudley, Colbert, Forest
Dulaney, J. W., Tunica
Duncan, B. A., Meridian
Dunn, Allee, Jackson
Dunn, A. C., Meridian
Dunn, C. C., Meridian
Dunn, J. L., Meridian
Dunn, J. Thomas, Meridian
Dunning, F. S., Canton
Dwyer, Francis B., Meridian
Dye, Bradford, Charleston
Eager, P. H., Jr., Jackson
East, J. R., Brandon
East, W. J., Senatobia
Easterling, Albert E., Laurel
Easterling, Lamar F., Jackson
Easterling, W. R., Fayette
Eastland, J. O., Forest
Eastland, W. C., Ruleville
Eaton, B. E., Gulfport
Eaton, B. E., Jr., Gulfport
Edwards, A. K., Mendenhall
Edwards, A. M., Mendenhall
Edwards, J. P., Mendenhall
Edwards, W. M., Shubuta
Ellis, W. A., Carthage
Ellis, W. B., Iuka
Elmer, F. W., Jr., Biloxi
Elmore, H. H., Cleveland
Engle, C. F., Natchez
Engleberg, N. N., Cleveland
Enochs, DeWitt, Jackson
Enochs, J. L., Jr., Jackson
Estes, William M., Enterprise
Estopinal, William, Gulfport
Ethridge, Eugene B., Meridian
Ethridge, F. K., Meridian
Ethridge, George H., Jackson
Ethridge, W. N., Houston
Eudy, J. E., Eupora
Evans, C. C., Laurel
Evans, H. H., Gulfport
Evans, W. J., Calhoun City
Everett, Frank E., Indianola
Everett, W. M., Hickory
Everitt, H. B., Pascogoula
Everitt, Robert D., Ruleville
Ewing, Jack Hilton, Gloster
Ewing, T. G., Jr., Vicksburg
Falkner, J. W. T., Oxford
Falkner, M. C., Jackson
Fant, Herbert, Sardis
Fant, Lester G., Holly Springs
Fant, Lester G., Jr., Holly Springs
Farish, H. P., Greenville
Fatheree, J. D., Quitman
Featherston, D. M., Holly Springs
Featherstone, F. M., Indianola
Feduccia, Joseph C., Cleveland
Feld, N. B., Vicksburg
Felder, Luther W., McComb
Felner, Sol, Vicksburg
Felts, Holland C., Greenville
Fewell, Will, Meridian
Finch, Henry L., Laurel
Finch, J. S., Booneville
Finley, J. A., Tupelo
Fischel, E. C., Hattiesburg
Fitzgerald, Gerald, Clarksdale
Fleming, James S., Jr., Natchez
Flowers, J. N., Jackson
Flowers, Oscar H., Jackson
Floyd, C. N., Flora
Floyd, Earle N., Jackson
Floyd, J. C., Meridian
Floyd, L. R., Magee
Fontaine, J. B., Pontotoc
Fontaine, W. B., Jackson
Foot, A. K., Canton
Foote, L. Y., Hattiesburg
Ford, A. L., Ackerman
Ford, E. J., Pascagoula
Ford, J. H., Houston
Ford, J. I., Pascagoula
Ford, R. C., Greenwood
Ford, R. D., Columbia
Forman, J. M., Jackson
Fountain, D. G., Jackson
Fox, John H., Jackson
Foxworth, C., Columbia
Franck, Mrs. Ruth, Jackson
Franklin, J. B., Jackson
Franklin, J. E., Jackson
Franklin, Lester C., Jackson
Frazier, T. A., Clarksdale
Friday, J. E., Booneville
Frierson, John F., Columbus
Fulgham, H. McK., Jackson
Fuller, Henry H., Laurel
Gaines, O. T., Iuka
Galloway, J. F., Gulfport
Gandy, George, Collins
Gardner, A. F., Greenwood
Gardner, A. F., Jr., Greenwood
Gardner, Hanun, Gulfport
Garner, Martin, Tunica
Garnett, C. L., Columbus
Garraway, J. S., Hattiesburg
Garraway, J. T., Purvis
Garth, J. Hunter, Hazelhurst

Gautier, H. W., Pascagoula
Gee, John B., Midnight
Gee, W. F., Clarksdale
Geisenberger, W. A., Natchez
Genin, R. L., Bay St. Louis
Gerald, Eugene, Leland
Gex, E. J., Bay St. Louis
Gex, Lucien M., Bay St. Louis
Gex, W. J., Jr., Bay St. Louis
Gex, W. J., Sr., Bay St. Louis
Gibert, J. M., Cleveland
Gibson, C. E., Monticello
Gilbert, Colin O., Winchester
Gilbert, V. W., Meridian
Gillespie, Hugh B., Raymond
Gillespie, R. G., Meridian
Gillis, J. K., Philadelphia
Gipson, J. R., Meridian
Gipson, J. V., Meridian
Glass, D. H., Kosciusko
Gober, Curtis A., Iuka
Goldin, H. C., Walnut Grove
Good, V. W., Vicksburg
Goodman, F. C., Biloxi
Gordon, Charles M., Jackson
Gordon, C. T., Liberty
Gore, T. N., Marks
Gore, W. E., Jackson
Goss, B. J., Columbia
Goss, Roy J., Columbia
Graham, D. M., Gulfport
Graham, D. M., Jr., Gulfport
Graham, J. H., Meridian
Graham, S. M., Meridian
Grant, Leslie B., Biloxi
Grantham, Levi, Hattiesburg
Greaves, C. B., Flora
Greaves, H. B., Canton
Greaves, P. D., Gulfport
Green, B. A., Mound Bayou
Green, E. H., Cleveland
Green, Garner W., Jr., Jackson
Green, Garner Wynn, Jackson
Green, Jess D., Tupelo
Green, J. W., Jackson
Green, Marcellus, Jackson
Green, Marcellus Calhoun, Jackson
Greene, John D., Jr., Starkville
Greer, Winnie, Jackson
Grice, L. E., Crystal Springs
Griffing, D. Q., Shelby
Griffing, Homer B., Bude
Griffith, Virgil A., Gulfport
Guice, W. L., Biloxi
Gully, J. B., Louisville
Guy, T. A., Greenwood
Guynes, J. F., Hazelhurst
Guyton, J. D., Kosciusko
Guyton, T. P., Kosciusko
Gwin, Elizabeth, Greenwood
Gwin, Lucien C., Natchez
Gwin, Samuel L., Greenwood
Hafter, Jerome S., Greenville
Hairston, Brown C., Crawford
Hairston, J. M., Jackson
Hall, H. G., Jackson
Hall, Lee D., Columbia
Hall, R. S., Hattiesburg
Hall, S. A., Hattiesburg
Hall, Toxey, Columbia
Hallam, L. C., Jackson
Haman, Thomas L., Houston
Hamilton, George S., Jackson
Hamlin, James E., West Point
Hammond, Kelly J., Columbia
Hamner, W. M., Greenwood
Hannah, T. C., Hattiesburg
Haralson, William, Hattiesburg
Hardy, R. R., Jackson
Harper, A. Y., Jackson
Harrison, Byron P., Gulfport
Hartley, T. A., Starkville
Harty, Emmett, Greenville
Harwell, J. D., Quitman
Harwell, J. M., Meridian
Hathorn, C. V., Columbia
Hathorne, F. C., Hattiesburg
Hatten, W. J., Sumrall
Hauberg, Robert E., Jackson
Hayden, Charles R., Gulfport
Hayes, George L., Wesson
Hayes, Mrs. Charles M., Hattiesburg
Hearst, A. A., Hattiesburg
Hedgepeth, T. H., New Orleans, La.
Heidelberg, D. W., Shubuta
Heidelberg, H. P., Pascagoula
Heidelberg, M. L., Waynesboro
Heidelberg, R. W., Hattiesburg
Heiss, J. L., Gulfport
Heiss, J. L., Jr., Gulfport
Hemingway, William, University
Henderson, J. W., Tunica
Hendrick, Leon F., Jackson
Hendrix, Thomas D., Jackson
Henley, W. S., Hazelhurst
Hennington, Lamar, Hattiesburg
Henry, Pat, Vicksburg
Henry, W. A., Yazoo City
Herring, George B., Canton
Herring, Lee H., Ruleville
Hester, Clyde L., Jackson
Hewes, Gaston H., Gulfport
Hewes, William G., Gulfport
Hewitt, F. D., McComb
Hewitt, William H., Jackson
Hibbler, Stacy G., West Point
Hiemelstern, Benedict, Moorhead
Hilbun, Henry, Laurel
Hilbun, Henry, Jr., Laurel
Hill, C. E., Hattiesburg
Hill, George H., Tupelo
Hill, George H., Jr., Tupelo
Hillman, J. B., Philadelphia
Hilton, R. T., Jackson
Hilton, W. D., Mendenhall
Hilzim, Harrington, Jackson

Hindman, E. E., Jackson
Hirsch, J. K., Vicksburg
Hobbs, H. W., Brookhaven
Hobbs, W. E., Moorhead
Holcomb, Pascal D., Clarksdale
Holden, H. Cassedy, Jackson
Holesapple, Newsom, Columbus
Holley, E. E., Aberdeen
Holloman, John H., Columbus
Holloway, Charles D., Jackson
Holmes, D. B., Jr., Meridian
Holmes, D. W., Hattiesburg
Holmes, E. R., Jr., Jackson
Holmes, E. R., Yazoo City
Holmes, F. C., Hernando
Holmes, G. M., Aberdeen
Holmes, Herbert, Senatobia
Holmes, J. G., Yazoo City
Holmes, R. M., Meridian
Hopkins, Joseph W., Clarksdale
Hopkins, Thomas G., Louisville
Horan, John, Water Valley
Horan, Leo, Jackson
Horne, F. R., Jackson
Horton, Cowles, Grenada
Horton, Kenneth D., Jackson
Horton, Robertson, Winona
Horton, William T., Jackson
Hosey, G. W., Laurel
Houston, D. W., Aberdeen
Houston, D. W., Jr., Aberdeen
Howie, J. H., Jackson
Howie, Joseph, Jackson
Howie, Virgil, Jackson
Howorth, Joseph M., Jackson
Howorth, Lucy Somerville (Mrs. J. M.), Jackson
Huber, H. T., Canton
Huff, J. Knox, Forest
Hughes, J. L., Moorhead
Hughston, E. V., Greenwood
Hunt, F. M., Hattiesburg
Hunt, Mrs. Nell W., McComb
Hunter, J. Q., Jr., Union
Hutchison, C. B., Tupelo
Hutchison, J. T., Summit
Hutto, A. C., Gulfport
Hutto, W. M., Waynesboro
Hutton, J. B., Jr., Jackson
Hutton, L. C., Oxford
Inman, C. E., Jackson
Inzer, William H., Pontotoc
Jaap, C. C., Jackson
Jack, E. E., Scooba
Jackson, F. B., Jackson
Jackson, Robert E., Cleveland
Jackson, William F., McComb
Jacobson, Gabe, Meridian
James, W. W., Newton
Jaquess, C. A., Tunica
Jayne, R. L., Greenville
Jiggitts, Louis M., Jackson
Johnson, C. C., Meridian
Johnson, C. E., Union
Johnson, D. R., Batesville
Johnson, Elbert, Indianola
Johnson, Harper, Senatobia
Johnson, H. H., Lexington
Johnson, J. L., Pittsboro
Johnson, Paul, Hattiesburg
Johnson, W. A., Newton
Johnston, H. Grady, Hernando
Johnston, Means, Greenwood
Johnston, Thomas H., Corinth
Jones, A. H., Woodville
Jones, Bert H., Madison
Jones, C. J., Waynesboro
Jones, Edward I., Bay St. Louis
Jones, Ernest P., Jr., Jackson
Jones, H. F., Belzoni
Jones, L. B., Jackson
Jones, Margaret Hervey, Jackson
Jones, P. Z., Jackson
Jones, R. C., Louisville
Jones, R. L., Brookhaven
Jones, W. V., Waynesboro
Joor, J. S., Jr., Rolling Fork
Jordan, R. A., Greenwood
Jourdan, J. C., Jr., Iuka
Katz, Andrew D., Hattiesburg
Katzenmeyer, C. Leonard, Vicksburg
Kaufman, M. L., Rosedale
Keaton, Grayson B., Picayune
Kellner, Ernest L., Greenville
Kelly, A. F., Hattiesburg
Kelly, R. M., Vicksburg
Kemp, Carol, Hazelhurst
Kendall, Henry M., Jackson
Kenna, E. D., Jackson
Kennedy, Heber, Magee
Kennedy, Laurens T., Natchez
Kent, Jeff, Forest
Keyer, James H., Natchez
Keys, R. Taylor, Sardis
Kier, W. H., Corinth
Kimbrough, A. McC., Greenwood
Kimbrough, O. L., Greenwood
Kimbrough, T. C., University
Kimmons, R. F., Water Valley
King, Bee, Mendenhall
King, Benjamin, Hazelhurst
King, S. R., Durant
Kirby, R. H., Clarksdale
Knox, B. N., New Albany
Knox, R. H., Jackson
Knox, W. T., Winona
Koonce, Pat, Hattiesburg
Kruse, H. A., Natchez
Kuykendall, John M., Charleston
Kyle, John W., Sardis
Lacy, C. R., Booneville
Lacy, Eugene P., Booneville
Lamar, E. L., Calhoun City
Lake, J. A., Jr., Greenville
Lamb, Knox, Greenwood
Land, T., Kosciusko

Landrum, Ralph, Kosciusko
Landrum, Scott, Kosciusko
Lane, E. M., Raleigh
Larr, G. L., Jr., Vicksburg
Laseter, C. I., Jackson
Laseter, Sam E., Morton
Latham, Luther F., Eupora
Latham, W. F., Quitman
Laub, S. B., Natchez
Lauderdale, D. C., Senatobia
Lauderdale, J. A., Jackson
Lauderdale, J. W., Grenada
Lawrence, T. J., Rolling Fork
Lawrence, W. O., Calhoun City
Leach, F. E., Carthage
Leach, H. B., Jackson
Leak, H. C., Woodville
Leathers, James A., Gulfport
Le Brano, J. R., Meridian
Lee, Percy M., Forest
Lee, W. J., Jr., Prentiss
Leftwich, Frank S., Aberdeen
Leftwich, G. J., Aberdeen
Leonard, H. T., Kosciusko
Lewis, E. M., Hazelhurst
Lewis, Ida Lou (Mrs. E. M.), Hazelhurst
Lewis, M. A., Jr., Jackson
Lewis, T. W., Columbus
Lincoln, B. A., Columbus
Lincoln, C. L., Columbus
Lindholm, P. P., Lexington
Lindsay, W. E., Gulfport
Lindsay, Winston S., Jackson
Lipscomb, Hubert, Jackson
Lipscomb, L. P., Meridian
Little, S. V., Mize
Livingston, Edward M., Louisville
Livingston, W. H., Prentiss
Locke, Leopold, Poplarville
Lofton, W. Milford, Mendenhall
Logan, John L., Jackson
Logan, R. F. B., Hernando
Logan, W. E., Natchez
Long, C. P., Tupelo
Long, C. P., Jr., Pontotoc
Long, L. H., Newton
Long, Sam P., Tupelo
Long, S. H., Tupelo
Longino, A. H., Jackson
Longino, C. S., Clarksdale
Lott, W. H., Greenwood
Lotterhos, F. J., Jackson
Love, H. M., Jr., Yazoo City
Love, John Clark, Kosciusko
Loving, B. H., West Point
Loving, J. W., Columbus
Lowe, J. T., Tunica
Lowrey, J. T., Gloster
Lowrey, P. H., Marks
Lowry, M. P., Marks
Lucas, W. B., Macon
Luckett, Semmes, Clarksdale
Lumpkin, Samuel E., Tupelo
Luper, O. C., Hattiesburg
Lyell, G. Garland, Jackson
McCabe, H. C., Jr., Vicksburg
McCaskill, H. L., Brandon
McClellan, Thompson, West Point
McClendon, B. B., Jackson
McClure, James, Jr., Sardis
McCool, D. C., Canton
McCraine, C. H., Houston
McCraw, A. B., Philadelphia
McCully, H. E., Louisville
McElroy, T. H., Oxford
McFarland, Ben H., Aberdeen
McFarland, J. A., Bay Springs
McGee, Roy J., Biloxi
McGehee, D. R., Meadville
McGehee, E. H., Columbia
McGehee, L. H., McComb
McGehee, W. H., Bude
McGowan, M. M., Jackson
McGowen, Hardy R., Jackson
McGowen, James G., Water Valley
McInnis, F. S., Moss Point
McIntosh, D. A., Collins
McIntosh, H. M., Collins
McIntosh, L. K., Gulfport
McIntosh, Tarver, Collins
McIntyre, A. J., West Point
McIntyre, E. S., West Point
McIntyre, W. E., Brandon
McKay, William I., Vicksburg
McKee, H. K., Picayune
McKeigney, A. F., Eupora
McKenzie, L. T., Ashland
McLain, W. G., McComb
McLaurin, A. J., Jackson
McLaurin, Carroll J., Raleigh
McLaurin, S. L., Brandon
McLellan, Pearl, Greenwood
McLeod, D. A., Mount Olive
McMorrough, G. H., Lexington
McNair, J. W., Brookhaven
McNeil, Myron S., Hazelhurst
McRaney, A. M., Magee
McRaney, Thomas L., Tupelo
Mabry, W. O., Jr., Goodman
Magee, G. W., Monticello
Magruder, A. F., Starkville
Magruder, J. D., Tunica
Magruder, W. W., Starkville
Mahon, H. K., Jr., Meridian
Majure, R. S., Newton
Malone, N. H., West Point
Manship, Luther, Jackson
Maples, L. W., Gulfport
Murray, Harry K., Vicksburg
Marsalis, O. M., Drew
Marshall, Carl, Gulfport
Marshall, Maynard, Charleston
Martin, J. D., Raleigh
Martin, L. L., Macon
Martin, W. C., Natchez

Mattox, Phillip, Meridian
Mauldin, B. P., Pontotoc
May, George W., Jackson
May, J. A., Sumner
May, L. P., Jackson
Mayfield, J. B., Poplarville
Maynard, G. F., Clarksdale
Maynard, G. F., Jr., Clarksdale
Maynard, William H., Clarksdale
Mayo, James G., Laurel
Mayo, J. G., Meridian
Melton, Clara, Jackson
Melton, Louise, Jackson
Melvin, Leonard B., Laurel
Merrell, G. H., Collins
Mhoon, W. L., Jackson
Miller, C. C., Meridian
Miller, D. M., Hazelhurst
Miller, Hugh Barr, Hazelhurst
Miller, H. L., Quitman
Miller, Leighton S., Clarksdale
Miller, M. V. B., Meridian
Miller, J. Wesley, Kosciusko
Miller, W. B., Clarksdale
Milloy, G., Prentiss
Millsaps, R. W., Hazelhurst
Millsaps, W. W., Cleveland
Mims, S. C., Jr., Grenada
Mitchell, A. M., Pontotoc
Mitchell, Charles S., Tupelo
Mitchell, Ely B., Corinth
Mitchell, George T., Tupelo
Mitchell, Guy W., Tupelo
Mitchell, Thomas, Magnolia
Mitchell, W. M., Grenada
Mize, F. F., Forest
Mize, Sidney C., Gulfport
Mize, Webb, Gulfport
Mobley, R. T., Jackson
Moffat, C. H., Senatobia
Monaghan, Noel, Tupelo
Montgomery, Goode, Laurel
Montgomery, Holt, Laurel
Montgomery, M. B., Yazoo City
Montgomery, Sam, Cleveland
Montgomery, V. B., Belzoni
Montgomery, V. V., Edwards
Montjoy, W. H., Greenwood
Moody, C. C., Indianola
Moore, William T., Gulfport
Moores, W. C., Gulfport
Morehead, Yerger, Greenwood
Moreland, G. C., Corinth
Morgan, C. E., Kosciusko
Morgan, F. R., Morgan City
Morris, F. M., Hattiesburg
Morrison, E. T., Leakesville
Morrison, H. L., Okolona
Morse, J. M., Poplarville
Morse, Stanford E., Gulfport
Morse, William Eugene, Jackson
Mortimer, John A., Belzoni
Moseley, Niles, Jackson
Moss, Joseph H., Raleigh
Moss, O. F., Lucedale
Mounger, Breed O., Tylertown
Mounger, Gilruth, Greenwood
Mounger, H. C., Greenwood
Mounger, Henry, Columbia
Mounger, W. M., Jackson
Munn, W. I., Jr., Newton
Murphy, C. M., Belzoni
Murphy, George H., Gulfport
Murray, J. C., Brandon
Nason, Robert E., Ackerman
Nason, R. H., Belzoni
Neill, S. D., Indianola
Neilson, E. T., Lexington
Nelson, A. M., Jackson
Nelson, Leonard E., Vicksburg
Nettles, S. R., Meridian
Neville, G. B., Meridian
Newman, W. R., Jr., Jackson
Nichols, R. L., Forest
Nicols, W. B., Jackson
Noble, J. F., Brookhaven
Noble, Roy P., Laurel
Nobles, George R., Jackson
Norquist, Rayner R., Yazoo City
North, L. G., Belzoni
Norton, W. R., Brookhaven
Nunnery, Herbert, Jackson
Oates, O. M., Bay Springs
Odom, H. T., Greenwood
Ogden, J. N., Magnolia
Oldham, L. E., Oxford
O'Neal, J. R., Clarksdale
O'Neil, A. M., Drew
O'Neill, John J., Vicksburg
Ormond, S. E., Forest
Osborn, S. I., Greenwood
Owen, F. C., Columbus
Owen, Lewis F., Belzoni
Owens, H. S., Jackson
Pace, Courtney C., Pace
Pack, W. J., Laurel
Pack, W. J., Jr., Laurel
Paine, George C., Aberdeen
Paine, Tom F., Aberdeen
Palmer, Eugene, Jackson
Parker, H. H., Poplarville
Parker, James E., Meridian
Parker, S. R., Taylorville
Parker, Urithon B., Wiggins
Parsons, Frank, Jr., Columbus
Parsons, W. A., Summit
Patterson, Albert T., Calhoun City
Patterson, C. F., Natchez
Patterson, E. B., Monticello
Patterson, H. J., Monticello
Patterson, Joe T., Calhoun City
Patton, Wright, Oxford
Patty, E. C., Macon
Pegram, T. E., Ripley
Peirce, Whitfield, Jackson
Penix, Joseph Hudson, Jackson

Pepper, A. M., Lexington
Percy, W. A., Greenville
Perkins, H. J., Batesville
Peyton, F. Lewis, Jackson
Phifer, Robert S., Jackson
Philips, Casper C., Meridian
Phillips, John A., Macon
Phillips, Robert P., Jackson
Phyfer, Lamar, New Albany
Pierce, M. F., Greenwood
Pierce, Wentworth W., Jackson
Pilgrim, M. A., Jackson
Pinnix, J. A., Amory
Pittman, Claude F., Hattiesburg
Pittman, Homer, Hattiesburg
Pogue, A. A., Marks
Pollard, E. J., Hernando
Pollard, R. V., Greenwood
Pollard, R. V., Jr., Greenwood
Porter, M. B., Moselle
Posey, L. L., Jackson
Potter, Chalmers, Jackson
Potter, W. H., Jackson
Powell, Robert H., Canton
Powell, Sid, Canton
Powell, W. H., Canton
Power, George B., Jackson
Price, J. H., Indianola
Price, J. H., Magnolia
Price, J. H., Jr., Magnolia
Price, K. G., McComb
Price, Mrs. Zelma W., Greenville
Pringle, Victor B., Biloxi
Prisock, Neal, Louisville
Prude, J. O., Jr., Amory
Puryear, L. P., Senatobia
Pyle, J. A. E., Iuka
Quinn, D. M., Indianola
Ramsey, W. W., Vicksburg
Rankin, John E., Tupelo
Ratcliff, E. H., Natchez
Ratcliff, Lee, Natchez
Ratcliff, P. D., Raymond
Rawls, H. C., Columbia
Ray, Tip, Canton
Redmond, S. D., Jackson
Reeves, R. B., McComb
Reich, Frank L., Louisville
Reiley, Marion W., Meridian
Rhine, H. M., Iuka
Rhodes, John Sivley, Jackson
Rice, Greek L., Charleston
Rice, Greek P., Clarksdale
Rice, Joseph S., Starkville
Richardson, Charles, Macon
Richardson, E. S., Philadelphia
Richardson, F. E., Meridian
Ricketts, Barron C., Jackson
Ricketts, Robert B., Jackson
Ridgeway, Charles R., Jr., Jackson
Ritchy, G. P., Tunica
Roach, J. Gordon, McComb
Roane, A. G., Grenada
Roane, Sam D., Jr., Oxford
Robbins, N. V., Vicksburg
Roberds, W. G., West Point
Roberts, Bramlette, Oxford
Roberts, C. B., Jackson
Roberts, H. B., Crystal Springs
Roberts, J. C., Cleveland
Roberts, M. M., Hattiesburg
Roberts, W. B., Rosedale
Roberts, W. C., Rosedale
Roberson, J. Lake, Clarksdale
Robertson, Stokes V., Jackson
Robertson, W. W., Wesson
Roby, V. M., Tylertown
Rodgers, Henry L., Louisville
Roebuck, S. T., Newton
Rosenthal, Simon, Jackson
Ross, H. E., Jr., Laurel
Ross, J. C., Gulfport
Ross, Quitman, Laurel
Ross, Tom Trotter, Clarksdale
Rowe, V. D., Winona
Rowland, Dr. Dunbar, Jackson
Ruff, D. T., Lexington
Rush, M. L., Meridian
Russell, D. M., Gulfport
Russell, George Ramsey, Greenville
Russell, Lee M., Jackson
Russell, R. C., Magee
Rylee, Willie Yeates, Clarksdale
Sack, Lester M., Clarksdale
Salter, S. G., Hazelhurst
Sams, J. O., Meridian
Sanders, Hall W., Charleston
Sanders, J. O. S., Jackson
Sanders, J. O. S., Jr., Jackson
Sanderson, David, Calhoun City
Sanford, W. H., Jr., Philadelphia
Satterfield, J. C., Jackson
Satterfield, Milling M., Port Gibson
Saul, L. K., Ellisville
Sauls, Edward B., Jr., Brookhaven
Savage, James S., Ackerman
Savage, J. W., Gulfport
Saxon, J. B., Waynesboro
Saxon, O. E., Waynesboro
Scarborough, C. P., Sumrall
Schauber, A. B., Laurel
Schmitt, William A., Clarksdale
Scott, A. S., Laurel
Scott, Charlie, Jackson
Scott, Frank T., Jackson
Scott, J. M., Carthage
Scott, T. W., Eupora
Scott, Walter A., Jr., Jackson
Scudder, E. N., Mayersville
Seale, J. Eugene, Jr., Meridian
Searcy, W. P., Jackson
Sewell, Brown L., Jackson
Shands, A. W., Cleveland
Shands, Dugas, Cleveland
Shanks, J. W., Sumrall
Shannon, Charles R., Laurel

Sharp, E. C., Jackson
Shaw, George E., Jackson
Sheffield, I. L., Fulton
Sheldon, Julia, Jackson
Shelton, Ernest L., Jackson
Shelton, Tom, Lambert
Shields, C. D., Meridian
Shipman, W. A., Jackson
Shirley, J. E., Quitman
Shivers, J. C., Poplarville
Shoemaker, A. R., Jackson
Short, Joseph H., Vicksburg
Shotts, H. A., Meridian
Sillers, Walter, Jr., Rosedale
Simmons, E. J., Magnolia
Simmons, E. J., Jr., Magnolia
Simmons, Hansford L., Columbus
Simmons, J. U., Gulfport
Simmons, W. W., Cleveland
Simrall, James R., Hattiesburg
Sims, W. L., Columbus
Singleton, Otho R., Forest
Sisson, Charles A., Winona
Skinner, K. Shelton, Macon
Sledge, N. R., Jr., Senatobia
Slough, C. E., Oxford
Smith, B. J., Clarksdale
Smith, C. C., Richton
Smith, Edward W., Clarksdale
Smith, E. M., Holly Springs
Smith, Fred B., Ripley
Smith, George R., Pass Christian
Smith, J. I., Monticello
Smith, J. C., Laurel
Smith, John T., Cleveland
Smith, Lemuel A., Holly Springs
Smith, Lemuel A., Jr., Holly Springs
Smith, L. O., Jr., Jackson
Smith, Luther A., Hattiesburg
Smith, O. R., Corinth
Smith, Rundle, Vicksburg
Smith, Sydney, Jackson
Smith, V. D., Iuka
Smylie, J. A., Crystal Springs
Smythe, J. G., Kosciusko
Smythe, J. G., Jr., Kosciusko
Snow, Charles B., Jackson
Snow, E. L., Meridian
Snowden, Grady, Jackson
Snyder, W. M., Jackson
Soloman, Earl, Greenville
Somerville, A. D., Cleveland
Somerville, Robert N., Cleveland
Sparkman, A. B., Cleveland
Spinks, L. J., DeKalb
Spinks, Press, DeKalb
Spivey, L. G., Canton
Spivey, R. E., Canton
Spradling, J. M., Tupelo
Stainton, R. L., Jackson
Stamper, H. G., Union
Starnes, B. F., Slate Springs
Stennett, E. W., Jackson
Stennett, J. C., Jackson
Stennis, J. D., Biloxi
Stennis, John C., DeKalb
Stennis, J. P., Hattiesburg
Stephens, Hubert D., New Albany
Stephens, Z. M., New Albany
Stevens, Ben, Hattiesburg
Stevens, H. S., Hattiesburg
Stevens, J. Morgan, Jackson
Stevens, J. Morgan, Jr., Jackson
Stirling, Carter, Jackson
Stirling, J. B., Jackson
Stockdale, Roy, Greenville
Stockett, Peter M., Woodville
Stockett, W. J., Woodville
Stockstill, J. E., Picayune
Stockstill, W. W., Bay St. Louis
Stone, H. R., Meridian
Stone, H. R., Jr., Meridian
Stone, James, Oxford
Stone, J. D., Lambert
Stone, J. P., Coffeeville
Stone, Phil, Oxford
Stone, V. D., Lambert
Stone, W. I., Coffeeville
Stoner, Alfred, Greenwood
Stovall, A. T., Okolona
Stovall, Carey, Corinth
Stovall, R. C., Okolona
Strauss, D. S., Greenville
Street, A. J., McComb
Street, C. S., Laurel
Street, John C., Poplarville
Street, Orbrey, Ripley
Street, Oscar, Ripley
Streit, Robert S., Jackson
Stribling, Dees, Philadelphia
Stribling, Jim, Philadelphia
Stribling, William P., Columbus
Stricker, V. J., Jackson
Stringer, H. C., Jackson
Strong, W. A., Jr., Louisville
Stump, D. R., Aberdeen
Sturdivant, J. I., Columbus
Sullivan, C. W., Hattiesburg
Sullivan, T. Harris, Hattiesburg
Sumners, C. L., Corinth
Sumrall, J. H., Jackson
Sumrall, N. W., Belzoni
Sutherland, A. L., Booneville
Swalm, Sherman W., Brookhaven
Swalm, Terry S., Brookhaven
Sweat, N. S., Corinth
Sweat, W. C., Corinth
Sykes, James Burbon, Mendenhall
Sykes, John A., Jackson
Sylverstein, B. S., Columbia
Talbot, J. M., Clarksdale
Taylor, E. B., Shelby
Taylor, J. L., Gulfport
Taylor, J. T., Ellisville
Taylor, Nelson E., Greenwood
Taylor, O. B., Jackson

Taylor, William F., Drew
Tally, J. R., Hattiesburg
Teat, G. L., Jackson
Teller, Landham, Vicksburg
Temple, W. F., Meridian
Terry, Robert B., Jackson
Tew, W. A., Mount Olive
Thames, J. D., Vicksburg
Thames, J. D., Jr., Vicksburg
Tharp, Phillip A., Columbus
Thigpen, C. W., Vicksburg
Thomas, Earl T., Indianola
Thomas, F. G., Tupelo
Thomas, J. M., Tupelo
Thomas, S. B., Greenville
Thompson, Allen C., Jackson
Thompson, C. E., Prentiss
Thompson, Fulton, Jackson
Thompson, Jack, Jackson
Thompson, J. H., Jackson
Thompson, J. L., Bay Springs
Thompson, R. H., Jackson
Thompson, R. H., Jr., Jackson
Thompson, Robert W., Jr., Gulfport
Thompson, W. S., Jr., Columbus
Tipton, J. R., Hernando
Todd, E. B., Jackson
Todd, H. D., Cleveland
Toombs, William Ray, Greenville
Torey, J. E., Fayette
Torry, James A., Meadville
Torrey, V. G., Meadville
Townsend, Oscar B., Indianola
Travis, Cecil, Jackson
Travis, J. Kearney, Hattiesburg
Travis, J. Madison, Meridian
Travis, S. E., Hattiesburg
Trenholm, Edward L., Jackson
Trigg, B. C., Greenville
Triplett, O. B., Forest
Triplett, O. B., Jr., Forest
Truly, E. G., Fayette
Truly, J. B., Fayette
Truly, Jeff, Fayette
Tubb, Condie L., Aberdeen
Tubb, T. B., Amory
Tubb, T. J., West Point
Tucker, C. B., Woodville
Tucker, W. F., Woodville
Tullos, L. V., Raleigh
Tullos, R. S., Raleigh
Turnage, A. H., Greenville
Turner, S. E., Carrollton
Tyson, J. A., Greenwood
Upton, Joe, Gloster
Valentine, A. F., Rosedale
Valentine, Carmon E., Cleveland
Vardaman, William S., Greenwood
Venable, W. W., Clarksdale
Vollor, W. J., Jr., Vicksburg
Von Bloomberg, A. J., Jackson
Wade, Charles, Greenville
Wadlington, Walter, Biloxi
Wadsworth, J. M., Forest
Waits, Hilton, Leland
Walker, B. M., Jr., Starkville
Walker, J. C., Shaw
Walker, Ray, Laurel
Walker, R. B., Carthage
Wall, Hugh V., Brookhaven
Wall, E. R., Newton
Wallace, R. A., Gulfport
Wallace, Robert B., Meridian
Wallace, W. L., Gulfport
Waller, Ruth, Hattiesburg
Walton, Joe, Newton
Ward, E. C., Biloxi
Ward, J. C., Sumner
Ward, Will E., Starkville
Warwick, A. M., Carthage
Wasson, Ben F., Greenville
Watkins, A. T. L., New Augusta
Watkins, D. M., Hattiesburg
Watkins, H. V., Jackson
Watkins, Thomas H., Jackson
Watkins, W. H., Jackson
Watkins, W. H., Jr., Jackson
Watson, G. S., Port Gibson
Watson, J. R., Jackson
Watson, Lamar, Greenville
Watson, W. Scott, Greenville
Weathersby, O. O., Taylorsville
Weaver, T. J., Picayune
Weil, Karl, Jackson
Weir, W. T., Walnut Grove
Weisenberg, Otto Karl, Pascagoula
Welch, James Tracey, Laurel
Welch, W. S., Laurel
Wells, James M., Magee
Wells, W. C., Jackson
Wells, W. Calvin, Jr., Jackson
Wells, W. Calvin, III, Jackson
Wells, Will S., Jackson
Westbrook C. H., Jr., Meridian
Wheeless, L. L., Jackson
Whetstone, J. C., Biloxi
White, H. Edwin, Lexington
White, J. M., West Point
White, J. P., Canton
White, T. J., Gulfport
White, W. A., Gulfport
White, W. H., Gulfport
Whitfield, Garland Q., Jackson
Whitman, Sam, Bay Springs
Whitten, A. L., Sumner
Whitten, Jamie L., Charleston
Whittington, E. F., Clarksdale
Whittington, E. O., Liberty
Whittington, L. A., Natchez
Whittington, William M., Greenwood
Wiggington, R. D., Biloxi
Wilbourn, J. C., Meridian
Wilbourn, R. E., Meridian
Wilczin, J. Manard, Greenville
Wiley, O. E., Ruleville
Wilkes, W. Ben, Greenville

Williams, C. D., Yazoo City
Williams, E. B., Poplarville
Williams, E. B., Meridian
Williams, E. G., McComb
Williams, Frank M., Mozelle
Williams, G. E., Clarksdale
Williams, J. L., Indianola
Williams, M. Ney, Raymond
Williams, Parham H., Lexington
Williams, Mrs. Parham H., Lexington
Williams, R. X., Oxford
Williamson, N. S., Meridian
Williamson, T. L., Purvis
Wills, L. E., Meridian
Wills, T. J., Hattiesburg
Wilroy, N. E., Hernando
Wilson, Charles D., Hazelhurst
Wilson, H. J., Hazelhurst
Wilson, J. C., Jackson
Wilson, T. W., Laurel
Wiltshire, James A., Magnolia
Windham, E. K., Booneville
Wingo, Earle, Hattiesburg
Wise, Louis J., Yazoo City
Witherspoon, Gibson, Meridian
Witherspoon, S. A., Meridian
Witty, F. M., Greenwood
Womack, Edw. L., Brookhaven
Womack, W. D., Belzoni
Wood, C. H., Moss Point
Wood, T. A., Gulfport
Woodruff, Lee T., Batesville
Woods, Cilman, Water Valley
Woollard, P. B., Cleveland
Wooten, R. G., Jackson
Worsham, B. F., Corinth
Wright, C. B., Belmont
Wright, C. M., Meridian
Wright, E. C., Holly Springs
Wright, F. L., Rolling Fork
Wright, Russell, Meridian
Wynn, William T., Greenville
Wynne, Frank, Merigold
Yawn, J. N., Brookhaven
Yeager, J. A., Lumberton
Yerger, E. M., Clarksdale
Yewell, T. O., Carrollton
Young, H. D., New Augusta
Young, M. C., Aberdeen
Zama, Lena, Hazelhurst

The following is a list of the attorneys, with addresses, who attended the Annual Mississippi State Bar Convention held at Vicksburg, September 7th and 8th:

Anderson, D. M., Newton
Adams, J. L., Quitman
Allen, B. B., Indianola
Anderson, R. B., Port Gibson
Armstrong, John T., Hazelhurst
Avery, Ralph, Jackson
Alexander, Chalmers, Jackson
Arnold, Roy, Jackson
Adams, B. C., Quitman
Allen, John F., Kosciusko
Alexander, Julian, Jackson
Arrington, R. O., Hazelhurst
Arrington, John H., Monticello
Anderson, Sam V., Greenville
Amis, A. B., Sr., Meridian
Alford, S. M., Jackson
Brady, T. P., Brookhaven
Brady, T., Jr., Brookhaven
Butler, Geo., Jackson
Burkett, J. G., Jackson
Barnett, Ross R., Jackson
Barnett, Tom, Carthage
Brewer, Earl, Jackson
Blair, W. A., Tupelo
Bryan, Harry M., Jackson
Butts, A. B., Starkville
Brown, J. T., Jackson
Burns, Robert, Brandon
Brocato, W. J., Clarksdale
Brandon, G. H., Natchez
Berry, Ovie L., New Hebron
Boydstun, R. W., Louisville
Boothe, W. E., Brookhaven
Brewer, Ed C., Clarksdale
Bozeman, A. S., Meridian
Bonelli, Albert M., Vicksburg
Bramlette, D. C., Woodville
Bell, A. H., Grenwood
Brunini, A. J., Vicksburg
Brunini, John, Vicksburg
Burnaman, C. F., Jackson
Backstrom, J. W., Leakesville
Brien, E. L., Vicksburg
Boone, E. E., Marks
Buchanan, F. J., Amory
Bourdeaux, R. M., Meridian
Boyett, W. G., Jackson
Busby, A. G., Waynesboro
Barlow, E. C., Brookhaven
Cameron, Charles B., Meridian
Cameron, Ben, Meridian
Carbalo, Joseph L., Kosciusko
Campbell, C. S., Jackson
Campbell, G. H., Yazoo City
Campbell, T. H., Yazoo City
Campbell, T. H., Jr., Yazoo City

Cassidy, Justin J., McComb
Cauthen, Nelson, Canton
Carr, J. D., Newton
Calhoun, L. J., Jackson
Capers, Walter, Jackson
Canizaro, P. C., Jr., Vicksburg
Canizaro, Jack P., Vicksburg
Canizaro, P. C., Vicksburg
Clark, Frank, Waynesboro
Cook, W. H., Jackson
Cooper, A. W., Forrest
Coughlin, James E., Hattiesburg
Culkin, John, Vicksburg
Clayton, Hugh N., Ripley
Currie, Alexander, Hattiesburg
Cohn, A. A., Brookhaven
Chaney, A. A., Vicksburg
Cooper, Forrest, Indianola
Currie, Geo. W., Hattiesburg
Conn, W. D., Jr., Jackson
Cox, W. H., Jackson
Currie, E. J., Meridian
Chambers, Paul, Jackson
Corban, R. L., Jr., Fayette
Crisler, J. W., Clarksdale
Currie, Homer, Raleigh
Corbin, R. L., Fayette
Creekmore, H. H., Jackson
Cutrer, R. W., Magnolia
Clark, Lester, Hattiesburg
Crisler, Bert, Jackson
Dale, R. Price, Hattiesburg
Dailey, Louis, Jackson
Day, Icey, Kosciusko
Dunn, Miss Allee, Jackson
Davis, James L., Louisville
Darden, R. A., Jackson
Davis, J. E., Hattiesburg
Denton, C. L., Meridian
Day, R. H., Decatur
Dent, R. L., Vicksburg
Dent, R. L., Jr., Vicksburg
Dent, E. L., Collins
Doxey, Hindman, Holly Springs
Davis, T. W., Purvis
Davis, Jefferson, Indianola
Deavours, Stone, Laurel
Drake, J. T., Port Gibson
Ellis, Tom Q., Jackson
Ellzey, Russell, Wesson
Easterling, W. R., Fayette
Ethridge, Geo. H., Jackson
Everitt, R. D., Ruleville
Everett, Frank E., Indianola
Engle, Charles F., Natchez
Ewing, T. G., Vicksburg (Col.)
Ellis, W. A., Carthage
Foreman, J. M., Jackson
Franklin, J. Ed, Jackson
Franklin, L. C., Jackson
Foot, A. K., Canton
Flowers, J. N., Jackson
Fatheree, J. D., Quitman
Ford, A. L., Ackerman
Franklin, J. B., Jackson
Felner, Sol, Vicksburg
Fant, Lester G., Holly Springs
Felder, Luther W., McComb
Farley, R. J., Oxford
Graham, S. M., Meridian
Gee, W. F., Clarksdale
Green, Marcellus, Jackson
Griffith, V. A., Gulfport
Gandy, George, Collins
Garth, J. H., Hazelhurst
Gibson, C. E., Monticello
Gillespie, Robert G., Meridian
Gully, J. B., Jackson
Gordon, C. T., Liberty
Gipson, J. V., Meridian
Guyton, T. P., Kosciusko
Greaves, H. B., Canton
Goodman, F. C., Biloxi
Gore, W. E., Jackson
Graham, Jesse H., Meridian
Green, E. H., Cleveland
Green, Edward H., Cleveland
Gilbert, V. W., Meridian
Guice, W. L., Biloxi
Guyton, J. D., Kosciusko
Garnett, Charles L., Columbus
Garraway, J. S., Hattiesburg
Geisenberger, Wilfred, Natchez
Guynes, J. F., Hazelhurst
Goode, Vance, Vicksburg
Hutto, W. M., Waynesboro
Hallam, L. C., Jackson
Hornsby, O. M., Natchez
Holmes, E. R., Jr., Jackson
Hester, C. L., Jackson
Hendrick, Leon F., Jackson
Hendrix, Thomas D., Jackson
Hewitt, Judge F. D., Brookhaven
Hirsch, J. K., Vicksburg
Hewes, Gaston H., Gulfport
Hall, Toxey, Columbia
Hall, Lee D., Columbia
Harris, Oren, Eldorado, Ark.
Hindman, E. E., Jackson
Hathorne, F. C., Hattiesburg
Hafter, Jerome S., Greenville
Henry, W. A., Yazoo City
Hilbun, Henry, Jr., Laurel
Johnson, Paul B., Hattiesburg
Jacobson, Gabe, Meridian
Johnson, H. H., Lexington
Jones, Ernest P., Hermanville
Joor, John S., Rolling Fork
Johnson, W. A., Newton
Jones, Adkland H., Woodville
Jackson, R. E., Cleveland
Jiggitts, Louis M., Jackson
Johnson, C. E., Union
Jones, P. Z., Jackson
Jackson, F. B., Jackson
Johnson, Means, Greenwood

Jackson, W. F., McComb
Keyer, James, Natchez
Kendall, Henry M., Jackson
Koonce, Pat, Hattiesburg
Kyle, John W., Sardis
Knox, R. H., Jackson
Knox, B. N., New Albany
Kelly, R. M., Vicksburg
Katz, A. D., Hattiesburg
Keaton, G. B., Picayune
Kimbrough, T. C., University
Kimbrough, Orman L., Greenwood
Kroulik, F. J., Jackson
Laseter, C. I., Jackson
Lewis, M. A., Jackson
Lawrence, T. J., Vicksburg
Long, S. H., Tupelo
Lauderdale, J. A., Jackson
Landrum, R. L., Kosciusko
Laub, S. B., Natchez
Langston, J. Q., Columbia
Love, H. M., Jr., Yazoo City
Lane, Edgar M., Raleigh
Leftwich, Frank, Aberdeen
Leonard, H. T., Kosciusko
Lyell, G. Garland, Jackson
Larr, G. L., Jr., Vicksburg
Lotterhos, Fred, Jackson
Lipscomb, Hubert S., Jackson
Lee, Percy M., Forest
Love, John C., Kosciusko
Lake, J. A., Jr., Greenville
Millsaps, Webster, Hazelhurst
McIntosh, Tarver, Collins
McClure, James, Sardis
McCabe, H. C., Vicksburg
McGowen, J. G., Jackson
McClendon, B. B., Jackson
McClellan, Thompson, West Point
McKay, W. I., Vicksburg
McFarland, B. H., Aberdeen
McClellan, Miss Pearl, Greenville
McLaurin, S. L., Brandon
McGowan, M. M., Jackson
McLain, W. G., McComb
McRainey, A. W., McGee
McIntosh, H. M., Collins
McGehee, L. H., McComb
McIntosh, Hugh, Jr., Collins
McNeil, M. S., Hazelhurst
Manship, Luther, Jackson
Miller, Hugh Barr, Hazelhurst
Montjoy, W. H., Greenwood
Magee, G. Wood, Monticello
Morris, F. M., Hattiesburg
Morse, W. E., Jackson
Mitchell, Thomas, Magnolia
Murphy, C. M., Belzoni
Morgan, C. E., Kosciusko
Merrill, G. H., Collins
Morrison, H. L., Okolona
Martin, J. D., Raleigh
Miller, J. Wesley, Kosciusko
Montgomery, I. E., Fayette
Melton, Clara, Jackson
Majure, R. S., Newton
Munn, W. I., Newton
Nelson, Leonard, Vicksburg
Norton, W. R., Brookhaven
Nelson, A. M., Jackson
Neville, Geo. B., Meridian
Nunnery, Herbert, Jackson
Newman, W. R., Jr., Jackson
Neese, T. L., Jackson
Ogden, J. N., Magnolia
O'Mara, J., McComb
Owens, H. S., Jackson
Price, J. H., Magnolia
Price, J. H., Jr., Magnolia
Pepper, A. M., Lexington
Posey, L. L., Jackson
Pegram, Thomas E., Ripley
Potter, W. H., Jackson
Price, Kenneth, McComb
Patterson, H. J., Monticello
Powell, W. H., Canton
Powell, Robert H., Canton
Pierce, W. W., Jackson
Richardson, E. S., Philadelphia
Robertson, Stokes V., Jackson
Rice, Greek L., Jackson
Russell, R. C., McGee
Ricketts, B. C., Jackson
Robinson, C. W., Jackson
Ratcliff, P. D., Raymond
Robbins, N. Vick, Vicksburg
Reiley, Marion W., Meridian
Robinson, R. H., Vicksburg
Rodgers, Henry, Louisville
Russell, D. M., Gulfport
Ruff, D. T., Lexington
Rice, Greek P., Clarksdale
Roberson, J. L., Clarksdale
Roach, J. Gordon, McComb
Ramsey, W. W., Vicksburg
Ross, Tom T., Clarksdale
Russell, Ramsey, Greenville
Roby, V. M., Tylertown
Reynolds, Chaney, Jackson
Sillers, Walter, Rosedale
Sharp, E. C., Booneville
Stennett, J. C., Jackson
Snow, C. B., Jackson
Seal, Eugene, Meridian
Stevens, J. Morgan, Jackson
Stennett, I. W., Eldorado, Ark.
Shields, C. D., Meridian
Smith, Sydney, Jackson
Smith, J. J., Jr., Meridian
Sledge, N. R., Senatobia
Sanders, J. O. S., Jackson
Streit, R. S., Jackson
Stevens, Ben, Hattiesburg
Smith, J. R., Jackson
Stribling, Dees, Philadelphia
Sanford, W. H., Philadelphia

Stribling, James, Philadelphia
Shands, Dugas, Cleveland
Stovall, R. C., Okolona
Short, Jos. H., Vicksburg
Stovall, A. T., Okolona
Smith, Rundle, Vicksburg
Smith, Fred B., Ripley
Smith, L. O., Jr., Jackson
Satterfield, John C., Jackson
Stirling, J. B., Jackson
Smith, Edward W., Clarksdale
Sumrall, J. H., Jackson
Stennett, E. W., Jackson
Street, A. J., McComb
Stevens, J. M., Jr., Jackson
Scott, W. A., Jr., Jackson
Thomas, Earl T., Indianola
Teller, Landham, Vicksburg
Thames, J. D., Sr., Vicksburg
Thames, J. D., Jr., Vicksburg
Thigpen, C. W., Vicksburg
Todd, H. D., Cleveland
Truly, J. B., Fayette
Truly, E. G., Fayette
Townsend, Oscar B., Indianola
Thompson, J. H., Jackson
Thompson, W. S., Jackson
Travis, J. M., Meridian
Thompson, C. E., Prentiss
Tubb, C. L., Aberdeen
Travis, S. E., Hattiesburg
Travis, J. K., Hattiesburg
Torrey, J. E., Fayette
Travis, Cecil F., Jackson
Talbert, J. M., Clarksdale
Thompson, Allen C., Jackson
Terry, R. B., Jackson
Truly, Jeff, Fayette
Thompson, R. H., Jr., Jackson
von Bloombergh, A. J., Jackson
Vollor, W. J., Vicksburg
Venable, W. W., Clarksdale
Williams, J. L., Indianola
Wall, Hugh V., Brookhaven
Wilson, J. C., Philadelphia
Waits, D. H., Leland
Welch, W. S., Laurel
Witherspoon, Gibson, Meridian
Williams, E. B., Meridian
Wasson, Ben F., Greenville
Ward, Emmett, Vicksburg
Wiltshire, James, Magnolia
Whittington, Will M., Greenwood
Wheeless, L. L., Jackson
Wells, W. C., Jr., Jackson
Wells, W. Calvin, Jackson
Wells, W. C., 3rd, Jackson
Watkins, W. H., Jr., Jackson
Walton, Joe, Newton
Weil, Karl, Port Gibson
Wills, T. J., Hattiesburg
White, Edwin, Lexington
Wilbourn, R. E., Meridian
Williams, Edgar G., McComb
Wade, J. W., Oxford
Watkins, W. H., Jr., Jackson
Watkins, W. H., Jackson
Williams, M. Ney, Raymond
Whitfield, Garland Q., Jackson
Womack, E. L., Brookhaven
Yeager, John A., Lumberton
Zama, Miss Lena, Hazelhurst